By Mr. RAMSAY (by request):

H. R. 5290. A bill to confer jurisdiction upon the Court of Claims to hear, determine, and render judgment upon certain claims for basic and overtime compensation; to the Committee on the Judiciary.

By Mr. ROOSEVELT:

H. R. 5291. A bill to provide for direct Federal loans to meet the housing needs of moderate-income families, to provide liberalized credit to reduce the cost of housing for such families, and for other purposes; to the Committee on Banking and Currency.

By Mr. TAURIELLO:

H. R. 5292. A bill to expedite the payment of the special dividend in the national service life insurance fund; to the Committee on Veterans' Affairs.

By Mr. McKINNON:

H. R. 5293. A bill to provide for direct Federal loans to meet the housing needs of moderate-income families, to provide liberalized credit to reduce the cost of housing for such families, and for other purposes; to the Committee on Banking and Currency.

By Mr. WELCH of California:

H. R. 5294. A bill authorizing the Secretary of the Army to convey certain lands to the city and county of San Francisco; to the Committee on Armed Services.

By Mrs. ROGERS of Massachusetts:

H. J. Res. 279. Joint resolution to extend until June 30, 1950, the authority of the Administrator of Veterans' Affairs relative to conveyances for disabled veterans; to the Committee on Veterans' Affairs.

By Mr. ABERNETHY:

H. J. Res. 280. Joint resolution to relieve the world shortage of fertilizer nitrogen for agricultural purposes by providing for production and distribution of nitrogenous fertilizer materials by the Army during the fiscal year 1949–50; to the Committee on Armed Services.

By Mr. NIXON:

H. Res. 262. Resolution to commend J. Edgar Hoover for his service to the country and to express the complete confidence of the House of Representatives in the conduct of his office; to the Committee on the Judiciary.

By Mr. SCUDDER:

H. Res. 263. Resolution relative to charges made by President Truman against representatives of the real-estate and home-building industries; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BENTSEN:

H. R. 5295. A bill for the relief of C. R. Springman; to the Committee on the Judiciary.

By Mr. DOLLINGER:

H. R. 5296. A bill for the relief of Wilhelm Mayer, Jetty Mayer, Carl Gellmann, and Hertha Gellmann; to the Committee on the Judiciary.

H. R. 5297. A bill for the relief of Fredy Kohn, Anna Kohn, and Hugo Ronald Kohn; to the Committee on the Judiciary.

By Mr. GAMBLE:

H. R. 5298. A bill for the relief of Anna Maria Francesca Fiorenza; to the Committee on the Judiciary.

By Mr. KENNEDY:

H. R. 5299. A bill for the relief of Mrs. Giovanna Follo Discepolo and her three children; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred, as follows:

1128. By Mr. LYNCH: Petition of United Irish-American Societies of New York, urging amendment of article 4 of the Atlantic Pact regarding partition of Ireland; to the Committee on Foreign Affairs.

1129. Also, petition of the American Legion, Bronx County, N. Y., supporting H. R. 2193, a bill which provides for waiver of certain physical requirements in the cases of certain disabled veterans; to the Committee on Post Office and Civil Service.

1130. By the SPEAKER: Petition of Gertrude Wiley and others, South Bend, Ind., requesting passage of H. R. 2135 and 2136, known as the Townsend plan; to the Committee on Ways and Means.

1131. Also, petition of Mrs. Mary Hoffnagle and others, Philadelphia, Pa., requesting passage of H. R. 2135 and 2136, known as the Townsend plan; to the Committee on Ways and Means.

1132. Also, petition of the Townsend Plan for National Insurance, Independence, Mo., transmitting petition of Oliver C. Houston and others requesting passage of H. R. 2165 and 2136, known as the Townsend plan; to the Committee on Ways and Means.

1133. Also, petition of Mrs. Rosa Varner and others, Austin, Tex., requesting passage of H. R. 2135 and 2136, known as the Townsend plan; to the Committee on Ways and Means.

1134. Also, petition of C. H. McCormick and others, Houston, Tex., requesting passage of H. R. 2135 and 2136, known as the Townsend plan; to the Committee on Ways and Means.

1135. Also, petition of R. W. Nance and others, Tumwater, Wash., requesting passage of H. R. 2135 and 2136, known as the Townsend plan; to the Committee on Ways and Means.

1136. Also, petition of Phil B. Sheridan and others, Miami, Fla., requesting passage of H. R. 2135 and 2136, known as the Townsend plan; to the Committee on Ways and Means.

SENATE

THURSDAY, JUNE 23, 1949

(Legislative day of Thursday, June 2, 1949)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

Our Father God, we come in the assurance not of our feeble hold of Thee but of Thy mighty grasp of us. We thank Thee for the sweet refreshment of sleep, restoring the frayed edges of care, and for the beckoning glory and the fresh vigor of the new day.

Across all its toiling hours, O Thou great companion of our souls, keep our hearts with Thee as once more our faces are set toward vexing social problems which tax our utmost to solve.

May we march with conquering tread in the gathering armies of friendship whose armor is the shield of Thy truth and whose sword is the might of Thy love, against which all the spears of hate cannot ultimately prevail.

We ask it in the dear Redeemer's Name. Amen.

THE JOURNAL

On request of Mr. LUCAS, and by unanimous consent, the reading of the Journal of the proceedings of Wednesday, June 22, 1949, was dispensed with.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries.

CALL OF THE ROLL

Mr. LUCAS. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Anderson	Hill	Morse
Baldwin	Hoey	Mundt
Brewster	Holland	Murray
Bricker	Humphrey	Neely
Bridges	Hunt	O'Mahoney
Butler	Ives	Pepper
Cain	Jenner	Reed
Chapman	Johnson, Colo.	Robertson
Chavez	Johnston, S. C.	Schoeppel
Connally	Kefauver	Smith, Maine
Cordon	Kerr	Sparkman
Donnell	Kilgore	Taft
Douglas	Langer	Thomas, Okla.
Downey	Lucas	Thomas, Utah
Eastland	McCarran	Thye
Ferguson	McCarthy	Tobey
Flanders	McClellan	Tydings
Frear	McFarland	Watkins
Gillette	McGrath	Wiley
Graham	McKellar	Williams
Green	Martin	Withers
Hayden	Maybank	Young
Hendrickson	Miller	

Mr. LUCAS. I announce that the Senator from Virginia [Mr. BYRD], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Georgia [Mr. GEORGE], the Senator from Texas [Mr. JOHNSON], the Senator from Louisiana [Mr. LONG], the Senator from Washington [Mr. MAGNUSON], the Senator from Pennsylvania [Mr. MYERS], the Senator from Georgia [Mr. RUSSELL], and the Senator from Idaho [Mr. TAYLOR] are detained on official business in meetings of committees of the Senate.

The Senator from Louisiana [Mr. ELLENDER] is absent by leave of the Senate on official business, having been appointed an adviser to the delegation of the United States of America to the Second World Health Organization Assembly, which is meeting in Rome, Italy.

The Senator from Connecticut [Mr. MCMAHON] is absent on official business, presiding at a meeting of the Joint Committee on Atomic Energy in connection with an investigation of the affairs of the Atomic Energy Commission.

The Senator from Maryland [Mr. O'CONOR] is absent on official business, having been appointed a delegate to the International Labor Conference at Geneva, Switzerland.

The Senator from Mississippi [Mr. STENNIS] is absent because of illness.

The Senator from New York [Mr. WAGNER] is necessarily absent.

Mr. TAFT. I announce that the Senator from Montana [Mr. ECTON] is absent on official business.

The Senator from New Jersey [Mr. SMITH] is absent on account of illness.

The junior Senator from Massachusetts [Mr. LODGE], the senior Senator from Massachusetts [Mr. SALTONSTALL] and the Senator from Nebraska [Mr. WHERRY] are necessarily absent.

The Senator from Missouri [Mr. KEM] is detained on official business.

The Senator from Iowa [Mr. HICKENLOOPER], the Senator from California

[Mr. KNOWLAND], the Senator from Colorado [Mr. MILLIKIN], and the Senator from Michigan [Mr. VANDENBERG] are in attendance at a meeting of the Joint Committee on Atomic Energy.

The Senator from Vermont [Mr. AIKEN], the Senator from Indiana [Mr. CAPEHART], the Senator from South Dakota [Mr. GURNEY], and the Senator from Nevada [Mr. MALONE] are detained because of their attendance at meetings of the various committees of the Senate.

By order of the Senate, the following announcement is made:

The members of the Joint Committee on Atomic Energy are in attendance at a meeting of the said committee in connection with an investigation of the affairs of the Atomic Energy Commission.

The VICE PRESIDENT. A quorum is present.

INCREASE IN SALARIES FOR HEADS AND ASSISTANT HEADS OF EXECUTIVE DEPARTMENTS — MESSAGE FROM THE PRESIDENT

The VICE PRESIDENT laid before the Senate a message from the President of the United States, which was read by the legislative clerk.

(For President's message, see today's proceedings of the House of Representatives on pp. 8273–8274.)

The VICE PRESIDENT. Inasmuch as there is a bill on the calendar dealing with the subject covered by the President's message, the message will lie on the table without being referred to a committee.

TRANSACTION OF ROUTINE BUSINESS

Mr. LUCAS. Mr. President, I ask unanimous consent that Senators be permitted to introduce bills and joint resolutions, submit petitions and memorials, and present for printing in the RECORD routine matters, as though we were in the morning hour, without debate.

The VICE PRESIDENT. Without objection, it is so ordered.

PETITION

Mr. McMAHON presented a joint resolution of the General Assembly of the State of Connecticut, favoring the enactment of Senate bill 1387 and House bill 3787, providing that the proposed veterans' hospital at West Haven, Conn., be officially known and designated on the public records as the John D. Magrath Memorial Veterans' Hospital after the East Norwalk, Conn., youth of that name who was killed in action on April 14, 1945, and was posthumously awarded the Medal of Honor; which was referred to the Committee on Labor and Public Welfare.

(See text of joint resolution printed in full when laid before the Senate by the Vice President on June 20, 1949, p. 7892, CONGRESSIONAL RECORD.)

INTERSTATE TRAFFIC IN SUBVERSIVE TEXTBOOKS—PETITION

Mr. MORSE. Mr. President, I present for appropriate reference and ask unanimous consent to have printed in the RECORD a letter from H. D. Bagnall, secretary of the Oregon Society, Sons of the American Revolution, Portland, Oreg., together with a petition from that society and my reply thereto, relating to interstate traffic in subversive textbooks.

There being no objection, the matters were referred to the Committee on Interstate and Foreign Commerce, and ordered to be printed in the RECORD, as follows:

OREGON SOCIETY,
SONS OF THE AMERICAN REVOLUTION,
Portland, Oreg., June 15, 1949.

Hon. WAYNE L. MORSE,
Senate Office Building,
Washington, D. C.

DEAR COMPATRIOT: The Oregon Society respectfully requests that the enclosed petition for redress of grievances be presented to the Senate.

Thanking you, I am,
Cordially yours,

H. D. BAGNALL,
Secretary.

PETITION FOR REDRESS OF GRIEVANCES

To the Senate and House of Representatives of the Congress of the United States:

We hereby petition for an independent and impartial investigation of the interstate traffic in subversive textbooks and teaching materials as requested in the petitions now on file presented by the National Society and the California Society of the Sons of the American Revolution, and we do hereby join in and make ourselves a party to those proceedings.

We request the Congress to grant us all relief possible in this matter by determining the facts and giving them to the people with appropriate recommendations.

Dated this 21st day of May 1949, in the city of Portland, State of Oregon.

OREGON SOCIETY OF THE SONS OF THE AMERICAN REVOLUTION,
By CLARENCE R. HOTCHKISS, *President.*
H. D. BAGNALL, *Secretary.*

JUNE 22, 1949.

H. D. BAGNALL,
Secretary, Oregon Society, Sons of the American Revolution, Portland, Oreg.:

Thanks for June 15 letter with its enclosed petition in respect to subversive textbooks. Am having it printed in CONGRESSIONAL RECORD and referred to chairman of appropriate Senate committee for consideration. As I understand it appropriate committees of House and Senate already have pending before them similar petitions and are looking into charges that some textbooks are subversive. Regards.

WAYNE MORSE,
United States Senator.

POWERS OF FEDERAL RESERVE BOARD—RESOLUTION OF KANSAS BANKERS ASSOCIATION

Mr. SCHOEPPEL. Mr. President, I have recently read what I consider a very important resolution adopted by the Kansas Bankers Association on May 20, 1949. At that convention there were 1,826 delegates registered.

The resolution states the opposition of 609 member banks of the Kansas association to Senate bill 1775 and Senate Joint Resolution 87, relating to the powers of the Federal Reserve Board.

I believe the resolution merits careful consideration by the Congress, and I therefore ask unanimous consent that the text of the resolution be printed at this point in the RECORD and that it be referred to the appropriate committee.

There being no objection, the resolution was referred to the Committee on Banking and Currency, and ordered to be printed in the RECORD, as follows:

RESOLUTION ADOPTED BY COMMITTEE ON FEDERAL LEGISLATION OF THE KANSAS BANKERS ASSOCIATION PRESENTED TO AND RATIFIED BY THE KANSAS BANKERS ASSOCIATION IN CONVENTION ASSEMBLED AT KANSAS CITY, MO., MAY 20, 1949

Whereas there is now pending before the Congress Senate bill 1775 and Senate Joint Resolution 87, the first of these bills having for its purpose making permanent the temporary authority of the Board of Governors of the Federal Reserve System to increase reserve requirements of member banks and also granting new and enlarged powers to the Board of Governors of the Federal Reserve System, permitting the Board to require nonmember insured banks to maintain reserves in addition to such reserves as are now required under State law; and

Whereas Senate Joint Resolution 87 grants to the Board of Governors of the Federal Reserve System further extension of powers over consumer credit: Now, therefore, be it

Resolved, That the Kansas Bankers Association, in convention assembled, expresses its vigorous opposition to both measures for the following reasons, viz:

1. The proposed increased and enlarged powers of the Federal Reserve Board over the reserves of nonmember insured banks is in violation of the rights of the several States to regulate their own systems of banking.

2. The Congress of the United States should never delegate its power to regulatory bodies except in the existence of an emergency.

3. The emergency for which some of the powers proposed in these two measures were originally delegated has passed and there is no occasion or reason for their extension at the present time. Under no circumstances should they be made permanent. The proposed legislation is untimely and unnecessary and restricts the lending powers of banks at a time when the lending powers of banks are being used to assist in the adjustment of economic conditions.

4. Credit today is declining and not expanding. The seller of goods and the grantor of credit are in a better position than any board can be to judge what terms of credit should be extended to individuals and to vary such terms as among individuals and in accordance with changing conditions.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. TYDINGS, from the Committee on Armed Services:

S. 1990. A bill to amend section 429, Revised Statutes, as amended, and the act of August 5, 1882, as amended, so as to eliminate the requirement of detailed annual reports to the Congress concerning the proceeds of all sales of condemned material; with amendments (Rept. No. 563).

By Mr. KNOWLAND, from the Committee on Armed Services:

S. 862. A bill authorizing the Secretary of the Army to convey certain lands to the city and county of San Francisco; with an amendment (Rept. No. 560); and

S. 863. A bill authorizing the Secretary of the Army to convey certain lands to the city and county of San Francisco; with an amendment (Rept. No. 561).

By Mr. JOHNSON of Texas, from the Committee on Armed Services:

S. 780. A bill for the relief of Commander Edward White Rawlins, United States Navy; with amendments (Rept. No. 562).

By Mr. KERR, from the Committee on Interior and Insular Affairs:

S. 1647. A bill to eliminate premium payments in the purchase of Government royalty oil under existing contracts entered into pursuant to the act of July 13, 1946 (30 U. S. C., sec. 192); with amendments (Rept. No. 564).

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, June 23, 1949, he presented to the President of the United States the following enrolled bills:

S. 41. An act for the relief of the city of Reno, Nev.;

S. 646. An act granting a renewal of patent No. 54,296 relating to the badge of the American Legion;

S. 647. An act granting a renewal of patent No. 55,398 relating to the badge of the American Legion Auxiliary;

S. 676. An act granting a renewal of patent No. 92,187 relating to the badge of the Sons of The American Legion; and

S. 1089. An act to amend section 8c of the Agricultural Adjustment Act, relating to marketing agreements and orders, to authorize the Secretary of Agriculture to issue orders under such section with respect to filberts and almonds.

STATEHOOD FOR HAWAII

Mr. BUTLER presented a copy of a report as filed by him with the Committee on Interior and Insular Affairs pursuant to action taken with reference to an investigation which he conducted in Hawaii, which was ordered to be printed in the RECORD as follows:

COMMUNIST PENETRATION OF THE HAWAIIAN ISLANDS

Pursuant to the authority granted by the Committee on Interior and Insular Affairs, on May 8, 1948, the undersigned, then chairman of the committee, visited the Territory of Hawaii to make investigation with respect to H. R. 49 (80th Cong.) granting statehood to the Territory. On the basis of this personal visit your subcommittee recommends without equivocation that statehood for Hawaii be deferred indefinitely.

My visit to Hawaii, supported by many interviews on the islands, leaves me with the deep conviction that international revolutionary communism at present has a firm grip on the economic, political, and social life of the Territory of Hawaii. Statehood should not be considered seriously, in my opinion, until the people of the islands demonstrate by positive steps a determination to put down the menace of lawless communism.

I have the highest regard for the people of the Territory. An overwhelming majority are hard-working, law-abiding citizens, devoted to the fundamental principles of responsible self-government in the American tradition. The progress of the Territory during the last 50 years easily matches that of any community. The Territory of Hawaii stands high in the scale of education, achievement, culture, business acumen, and fine civic spirit. Only the alarming excesses of a minority group of aggressive revolutionary Communists mar the future prospects of the islands today.

Since VJ-day, in September 1945, the Hawaiian Islands have become one of the central operations bases and a strategic clearinghouse for the Communist campaign against the United States of America. By the well-known infiltration tactics of world communism, a relative handful of Moscow adherents in the islands, operating chiefly through the International Longshoremen's and Warehousemen's Union, has persistently sabotaged the economic life of the Territory. This premeditated campaign of sabotage, through strikes, slow-downs, arbitrary work stoppages, and violent racial agitation, is inspired, managed, directed, and financed largely through the international headquarters of the ILWU in San Francisco.

Harry Bridges, president of the ILWU, is the unseen Communist dictator of the Territory of Hawaii. He operates through John Wayne Hall, regional director of the ILWU in Honolulu, who is an identified Communist.

Both the ILWU and Harry Bridges, personally, are publicly identified in the records of the House Committee on Un-American Activities as long-time Communist operatives.

This report of the House Committee on Un-American Activities details the recent history of communism in the Hawaiian Islands, and the methods by which it has penetrated every aspect of life in the Territory—business, labor, transportation, agriculture, education, publishing, radio, entertainment, and, in lesser degree, even the religious life of the community.

LEGISLATIVE BACKGROUND OF THIS REPORT

S. 156 was introduced on January 5, 1949, and referred to the Senate Committee on Interior and Insular Affairs. This bill to grant statehood to the Territory of Hawaii is the same as H. R. 49, which was passed by the House of Representatives and referred to this committee during the Eightieth Congress.

On May 8, 1948, the Senate committee considered H. R. 49 and the following motion was adopted:

"That we do not take action on the report at this time; that the chairman be instructed to arrange at the earliest practicable time a trip, or trips, to Hawaii of those members of the committee who desire to study the matter on the ground."

On June 16, 1948, the committee voted the chairman full authority to conduct any necessary investigations in the Territory of Hawaii, and to employ investigators.

In accordance with this authority I employed a staff investigator to make an on-the-spot investigation of Communist activities in the Territory. The committee investigator arrived in Honolulu on August 18, 1948. His field investigations continued through October 28, nearly 2½ months. He had opportunity to meet and talk with several hundred citizens of the islands and thus get frank opinions from people in every walk of life.

Plans then were made to hold formal committee hearings in Hawaii during November, but late in October, due to the Pacific coast maritime strike, which was still in progress, the hearings were canceled.

At this point Hugh R. Brown, chief clerk of the committee, was directed to proceed to Honolulu and make arrangements to interview citizens of Hawaii, many of whom had been in contact with the committee through correspondence. He arrived in Honolulu October 28 and I reached there Saturday, October 30.

Interviews started Monday, November 1, in the office of the Speaker of the House of Representatives of the Territory of Hawaii, Iolani Palace.

In all, 77 confidential interviews were made a matter of record. In addition to this number, I personally talked with more than 100 citizens whose remarks were not made a matter of record. Anyone who desired to talk with me or members of the staff was granted a hearing.

Many of these favored statehood and many opposed statehood. A considerable number stated that although they formerly had been in favor of statehood, they had now changed their minds and preferred that statehood not be extended to Hawaii until such time as Communist influence might be brought under control. Many expressed fear that continued Communist infiltration ultimately would control the islands.

It is regretted that it is not possible to make public the names of a number of the citizens who appeared before us. However, it would have been impossible to procure many statements had I not given assurance that the names of the witnesses would be held in confidence. I do have the names of all the witnesses, and if necessary can review them with members of the committee in executive session.

COMMUNIST ORGANIZATION IN HAWAII

There is little doubt that the Communist Party in Hawaii is much more influential than the small official membership would indicate.

The Communist Party in the Hawaiian Islands is a subdivision of the Communist Party of the U. S. A., district No. 13, which has its headquarters in San Francisco, Calif.

The highest body of the Communist Party in Hawaii is the general convention, composed of delegates from the various party cells throughout the Territory. When the convention is not in session, the actual directing body is the Territorial executive committee. The members of this executive committee are named by the Communist Party branches in the Territory.

There are 11 branches of the Communist Party in Hawaii, 9 of which are on the island of Oahu, and 1 each on the islands of Hawaii and Kauai.

In 1947 the members of the territorial executive committee were: Jack Denichi Kimoto, chairman; John Wayne Hall; Dwight James Freeman; Robert Walter McElrath; Mrs. Robert Walter McElrath; Charles Kazuyuki Fujimoto; Mrs. Charles Kazuyuki Fujimoto; Koichi Imori; Ralph Vernon Vossbrink; and David Hyun.

The Communist background of each of these executive committee operatives in Hawaii is summarized below:

Jack Denichi Kimoto, 2162 Makanani Drive, Honolulu, T. H., is educational director of the Communist Party in Hawaii, and a member of the secret clique which controls actual party operations in the Territory. This group is composed of Dwight James Freeman, John Wayne Hall, and Dr. John Ernest Reinecke. Kimoto is editor of the Hawaii Star, a Communist-line Japanese-language weekly newspaper, published at 811 Sheridan Street, Honolulu. He is a native-born citizen of Japanese ancestry. He was one of the original organizers for the Communist Party in Hawaii, having been assigned by party headquarters in California to Honolulu in 1938 for that purpose.

John Wayne Hall, 2955 Oahu Avenue, Honolulu, T. H. Hall is the author of the security measures regulating the conduct of Communist Party members in Hawaii. Since 1937 he has been an active Communist in Hawaii. He attended the Communist Party training school in San Francisco in 1939 and is the regional director of the ILWU, with offices at pier 11, Honolulu. He is married to Yoshiko Ogawa, an American citizen of Japanese ancestry. He was born in Wisconsin in 1914.

Dwight James Freeman, Apartment C, 1920 Kahaki Drive, Honolulu. Freeman was born in 1912 in Oklahoma, served in the Navy during World War II, and is married. He is the full-time paid organizer for the Communist Party in the Territory, having arrived in Honolulu on October 3, 1946.

Robert Walter McElrath, 1112 Elm Street, Honolulu. McElrath was born in 1916 at Spokane, Wash., and was formerly a seaman who settled in Honolulu in 1941. He is Territorial representative of the ILWU and Honolulu director of public relations for both the Communist Party and the ILWU. He was a delegate to the national convention of the Communist Party held in New York City in 1940 and attended the Communist Party training school in San Francisco in 1939.

Mrs. Robert Walter McElrath, nee Ah Quon Leong), 1112-B Elm Street, Honolulu. Mrs. McElrath was born in Honolulu in 1915 and married McElrath in 1941. She was formerly an employee for the Territorial department of public welfare as a social worker, and now works in the ILWU research department. She was a member of the American Student Union during her senior year in college at the University of Hawaii, where she graduated in 1938.

Charles Kazuyuki Fujimoto, 1526 Kaihee Street, Honolulu. Fujimoto was born in 1917 in the Territory and married Eileen Toshiko Nakama in 1942. With his wife he was chosen to attend the Communist Party leadership school held in San Francisco in September 1947. Formerly a chemist at the agricultural experiment station at the University of Hawaii, he is a graduate of the university with bachelor of science and master of science degrees. He has represented the Wakiki Club on the Territorial executive committee of the Communist Party.

Mrs. Charles Kazuyuki Fujimoto (nee Eileen Toshiko Nakama), 1526 Kaihee Street, Honolulu. Mrs. Fujimoto was born in 1920 in Honolulu and married in 1942. She is the secretary to Jack Kawano, president of local 136, ILWU Longshore and Allied Workers, and attended the Communist Party leadership school in San Francisco with her husband in 1947.

Koichi Imori, Wailuku, Maui. Imori was born in 1917 on Oahu Island and is single. He was formerly a general organizer for the AFL but was dismissed for his attempted recruitment of Communist Party members among the rank and file of the AFL joint council of the teamsters union. He is now international representative of the ILWU on the island of Maui.

Ralph Vernon Vossbrink, 2340 Pacific Heights Road, Honolulu. Vossbrink was born in San Francisco in 1918 and was married in 1946 to Kazu Tsukiyama, a citizen of Japanese ancestry. He has been active in Communist Party affairs in Honolulu since 1945, when he left his ship on which he had served as merchant seaman. Previously he had been a recruiter for the seaman's branch, Communist Party. At present he is national representative of the National Union of Marine Cooks and Stewards, CIO, and president of the CIO council for Oahu Island.

David Hyun, 1349 Alapsi Street, Honolulu. Hyun is a legal resident of Los Angeles, Calif., at present. While in Hawaii he represented the Punch Bowl Club on the Communist Party's executive committee.

THE COMMUNIST PARTY BEGAN UNDERGROUND

Until 1947 the Communist Party in Hawaii functioned as an underground organization. The general security measures taken by the party in the Territory during the registration of members in 1947 included the following instructions to each cell: (1) Membership books and registration cards to be kept under lock and key; (2) a record must be kept of all canceled or spoiled books and cards, and they should be returned to the State office with an accounting of all books issued; and (3) no names should appear on any registration card.

THE COMMUNIST PARTY COMES INTO THE OPEN

At a meeting of leaders of Communist Party, district No. 13, in San Francisco, Calif., on September 26, 1947, Mrs. Charles Kazuyuki Fujimoto reported that various Communist Party members in the trade-union movement in Hawaii were working with leaders of the International Longshoremen's and Warehousemen's Union, and with certain factional representatives of the Democratic Party in Hawaii. Mrs. Fujimoto stated the Democratic Party in Hawaii was selected by the local Communist executive committee to be the political organization into which the Communist Party would infiltrate and operate.

Mrs. Fujimoto reported that the Democratic Party had been selected because the Communist Party in Hawaii could not operate on the political front, apparently because of Territorial statutes, and, therefore, some broader apparatus was required.

She added that in the event the Communist Party was unsuccessful in its efforts to capture the Democratic Party organization in the Territory, it was planned that a third party movement would be launched.

The CIO Political Action Committee was active in Hawaiian Islands in 1946 and the first half of 1947. The Honolulu Star Bulletin, on September 27, 1947, reported that the CIO Political Action Committee was being curtailed to strictly educational functions among the rank-and-file members of labor unions. This article further suggested the ILWU members were to be encouraged, as individuals, to join the Democratic Party and participate in all of its affairs.

John Wayne Hall, the leader of the ILWU in the Hawaiian Islands, met with Harry Kronick, a leader in the Democratic Party in Honolulu, during September 1947 to determine policies for assistance to be given the Democratic Party by the ILWU. Hall refused to have anything to do with Gov. Ingram M. Stainback, Democrat, of Hawaii, in connection with the reorganization of the Democratic Party in the islands.

By March 1948 the ILWU had undertaken a militant campaign to infiltrate and control the Democratic Party from the precinct level up through the Territorial convention, which was scheduled for May 1948.

This infiltration of the Democratic Party in Hawaii was under the direct leadership of Harry Lehua Kamoku, a recognized Communist and a prominent ILWU leader. Kamoku's activities were concentrated in the precinct and county committees in election districts Nos. 1 and 2.

On March 9, 1948, Lau Ah Chew, chairman of the Oahu County Democratic Committee, announced that all Democratic precinct clubs on Oahu would become inactive as of midnight, March 31, 1948, and that new officers and delegates to the Territorial convention of the Democratic Party would be elected on April 1, 1948. This was the big Communist coup.

This action of Chew in dissolving all Democratic precinct clubs was planned to place the advantage in the precinct elections in the hands of the Communist-controlled ILWU element. In spite of considerable opposition to Chew's order, Democratic precinct elections were held generally on April 1, 1948. They resulted in a clean sweep for the Communist-controlled ILWU group. That group thereupon took over the Democratic Party organization in the Territory, lock, stock, and barrel. The former Democratic Party became the Communist apparatus in the Territory of Hawaii.

The Democratic Territorial Convention was held in Honolulu on May 2, 1948, at the McKinley High School auditorium. Forty-one Communist Party members were delegates or alternates to this convention. They controlled every committee in the convention.

The Communist-controlled ILWU group was able to meet the requirements for membership in the Democratic Party Central Committee by reducing the basic residence qualifications from 3 years to 15 months.

Mrs. Victoria K. Holt, then Democratic National Committee-woman from Hawaii and a candidate in 1948 for the office of Delegate to Congress, met with me in Hawaii and answered many questions in regard to the Territory. It is my belief that her views regarding the present Communist control of the Democratic Party organization in the Territory are most pertinent, and are summarized in a radio speech late in May 1948, in which she announced her candidacy for Delegate to Congress. On this occasion Mrs. Holt said in part:

"I am Victoria K. Holt, Democratic candidate for the office of Delegate to Congress.

"I have been active in the Democratic Party for the last 30 years, being the wife of your former legislator, the late Charles H. K. Holt. I have served the Democratic Party, as county committee member, president of the twenty-eighth precinct of the Fifth District, vice chairman of the Territorial Central Committee, and also as assistant campaign manager in 1942, and campaign manager in 1946. I am now the Democratic national committeewoman for Hawaii. For years and years the members of my family, and my late husband, have been active in island politics as members of the Democratic Party. There has been a Holt in almost every Territorial legislature for the last 30 years or more.

"As a result of this close connection with Democratic Party affairs, I have come to realize in recent months that there is an underground group here in the Territory—the Communist Party—which intends to take over the Democratic Party and use it for its traitorous purposes. In fact, the Communist Party has already captured control of most of the high committee offices of the Democratic Party.

"I am frank to say that I would not now be the Democratic national committeewoman for Hawaii if the Communist Party had willed otherwise at the last Democratic Territorial Convention held on May 2, 1948, when I was up for reelection. Please do not misunderstand me. I did not ask for their support, and I struck no bargains with them or with the people they controlled. I now realize that the only reason that I am the Democratic national committeewoman for Hawaii is because the Communists were afraid to make a clean sweep and throw all the old-time Democrats out of the last convention. They knew it would look too obvious. Therefore, they allowed some of us to receive Democratic Party offices to camouflage the fact that they were in complete control.

"As a native daughter of Hawaii, as the mother of nine children all living in these islands, and as a Democrat with the interest of all the people close to my heart, I would not stand by and do nothing. I could not stand by and see my islands and my party sold out to these traitorous, scheming people. I felt it my duty to get in and fight. * * * Under the circumstances, I felt I would be derelict in my duties as national committeewoman and as a loyal American citizen not to seek office in this very important campaign. I therefore announced my candidacy for Delegate to Congress on May 25, 1948."

At another point Mrs. Holt said:

"The rank and file of the Democratic Party and the rank and file of the ILWU, both find themselves controlled by the same Communist group. Naturally, we in the Democratic Party resent it. And I know you in the ILWU, as honest American union men and patriots, also resent it. It is not pleasant for you to have your leaders publicly branded as Communists, and to have them fail to unqualifiedly deny it. It is not pleasant to be led by Communists, because people will inevitably think that you are Communists, too. The loyal Americans who are the rank and file of the Democratic Party feel the same way.

"It is not pleasant to know that Communists and their dupes are in control of high committee offices in the Democratic Party. We are just as embarrassed as the great mass of loyal Americans in the ILWU at having the Red brush of communism leveled at us. We are just as anxious to throw these traitors out of our party as you are anxious to throw them out of your union. * * *

"The great problem that confronts the rank and file of the Democratic Party, and of our ILWU, is how to get rid of Communist domination."

In continuing her radio address to the Democratic voters of the Hawaiian Islands, Mrs. Holt said:

"The Communist Party does not have your interests at heart—except when the interests of Moscow demand it. * * * If the party line from Moscow ever requires it, they will cause you to strike and strike, just to weaken the country. The fact that you go without food or money is no concern of theirs. They have the interests of Moscow at heart, not yours, and they will ruin you if it will help Moscow.

"How to get rid of Communist control in the Democratic Party and in the ILWU is a problem that the rank and file of both organizations must work out together. It is not an easy problem. It is never easy to get rid of a group which is in control. * * *

"The strength of the Communist Party does not depend on the numbers of the Communists in the Territory. It depends upon the great number of people who will play ball with them and submit to their control. You must refuse to elect this controlled group both in union and political elections. Remember—the man they support is the man they believe they can control. * * *

"I have always been for statehood—fighting for it with real sincerity. In 1946, as a guest of the Democratic National Committee in Washington, D. C., I spent 2 weeks in Washington plugging for statehood. Naturally, when we were denied statehood this year, I was sorely disappointed. However, since then, I have come to realize that it was probably for the best. I did not know until the Democratic Convention on May 2, 1948, how serious the Communist problem was. But now that I realize its seriousness, I realize that we cannot expect statehood—that we should not have statehood—until we prove to ourselves and to the rest of the United States that we can solve the Communist problem.

"The Communist situation here is dangerous. As long as this Communist group controls the leadership of the ILWU, it controls sugar, pineapple, and shipping—three of our principal industries. If it ever called a general strike, on orders from Moscow, it would ruin our economy. The situation in industry is bad enough, but if we should receive statehood before we have learned to lick this Communist situation, what assurance is there that they will not be able to control our government? What assurance is there that they won't be able to worm into control, as they did in the Democratic Party, and control an elected governor, the courts, the police, and our boards and commissions? This cannot happen as long as we are a Territory, but it can happen if we are a State. Further, if we are a State, and if it does happen, there is nothing that Washington can do about it. We would be helpless. We must prove that we can control the Communist problem before we can expect Congress to grant us statehood."

Several former members of the Democratic Party in Hawaii testified that a definite voting majority within the Democratic Party organization now rests in the hands of the Communist-controlled ILWU group. They also stated that Wilfred Oka, who formerly held the position of international representative of the United Public Workers of America, CIO, had been relieved of his duties with the union to become a paid organizer for the Oahu County committee of the Communist-controlled Democratic Party.

Intent upon this capture of the Democratic Party organization in Hawaii, the ILWU in 1948 devoted a considerable amount of its energies to political activities. The ILWU is the dominant labor union in the Territory, having an estimated membership of approximately 35,000, a membership far in excess of all other unions combined.

The ILWU executive board in Hawaii had first planned a strike against the sugar industry during the first part of 1948, as had been done in 1946. However, it was decided later that since 1948 was an election year, such a strike should not be called. Instead, the entire effort of the union was concentrated on physical capture of the organization of the former Democratic Party throughout the islands.

On July 17 and 18, 1948, the California State convention of the Communist Party was held in Los Angeles. Dwight James Freeman and Archie Brown were present as representatives of the Communist Party of Hawaii. Mr. Brown was at that time the trade union director of the Communist Party district No. 13, with headquarters in San Francisco.

At this convention Freeman reported at length on the campaign which captured the precinct machinery of the Democratic Party in the Territory.

During September 1948, reports were heard in Honolulu that the Communist Party soon would come out in the open. During October 1948, for the first time, the Communist Party took steps to open their own office. On October 15, Charles K. Fujimoto, a leading Communist in Hawaii, announced to the press that he was resigning from the University of Hawaii to become a full-time official of the Communist Party. A few days later, Communist Party headquarters were opened in his home at 1526 Kaihee Street, Honolulu.

Fujimoto's public announcement said in part:

"I resigned as a research chemist at the University of Hawaii to become a full-time official of the Communist Party of Hawaii. * * * I feel compelled to work for the best interest of the people of the Territory by becoming a full-time official of the Communist Party of Hawaii, an organization dedicated to championing the immediate needs of the people of Hawaii and educating the majority thereof to ultimately support a socialist reorganization of our country."

Later, on October 29, 1948, Fujimoto addressed the people of Hawaii over radio station KHON. His address, America at the Crossroads, began as follows:

"Ladies and gentlemen, this is the first time that a member of the Communist Party of Hawaii is addressing you, the people of Hawaii. In many respects we Communists feel that this is a historic event not only for our party but for the Territory as a whole."

At another point, Fujimoto said:

"In Hawaii the Communist Party is taking its place in the struggles of the people of Hawaii. It is with great pride that the Communist Party is now openly participating in these struggles. * * * We propose a program of government condemnation of large estates and resale of the land to the people for home sites and small farms at cost. We support the revision of present immigration laws, such as the Oriental Exclusion Act, to provide naturalization rights to all immigrants regardless of race or color. * * * We urge the public ownership of all public utilities. On taxation, we believe in the principle of taxation according to ability to pay, with personal exemptions. We support the granting of immediate statehood for Hawaii."

HAWAII CIVIL LIBERTIES COMMITTEE

The Hawaii Civil Liberties Committee was organized in November 1947. The ostensible purpose was to raise funds to be used in the defense of the civil rights of one Reinecke, a school teacher suspended on charges of Communist activities. Jack Hall and other persons high in the ILWU, known members of the Communist Party and sympathizers, and a number of non-Communist liberals, some from the faculty of the University of Hawaii, participated in the preorganization meetings. Not all of the liberals from the university became members, but practically all of the ILWU and Communist Party members did. Accordingly, there can be little doubt that from its inception the HCLC has been completely dominated and controlled by the Communists.

It should be emphasized that the Hawaii Civil Liberties Committee is purely a local organization and has no connection whatever with any similar organization on the mainland. In fact, the American Civil Liberties Union has had occasion specifically to deny that the Hawaii Civil Liberties Committee was in any way affiliated with it. The ACLU, furthermore, has stated publicly that it does not believe the HCLC is seriously concerned with the defense of civil liberties.

All the evidence at hand indicates that the Hawaii Civil Liberties Committee is a cell of the Communist Party in Hawaii. The executive committee meets secretly. Its chairman, Stephen T. Murin, who is also chairman of the Hawaii Civil Liberties Committee, is a known Communist.

Among those who are active in the HCLC, and who are usually present at its meetings, are the following: Dr. John E. Reinecke and his wife, Aiko Reinecke; Rachel Saiki, Robert E. Greene and Mrs. Greene; Mrs. Evelyn Murin, wife of Stephen T. Murin; Esther Bristow; Myer Symonds; Mrs. Harriet Bouslog; Charles K. and Mrs. Fujimoto.

This organization invited to Hawaii, Miss Celeste Strack, educational director for the Communist Party of California. Expenses incident to Miss Strack's trip to Hawaii were paid by the HCLC. During her visit to Honolulu she was guest of honor at a reception in the Library of Hawaii, under the sponsorship of the HCLC. She also appeared as a speaker at a public meeting held in the Central Intermediate School, likewise under the sponsorship of the HCLC. Miss Strack, on another occasion, appeared as a panel speaker on a radio forum at which the relative merits of the Communist system and the American system were debated. This forum created a great deal of discussion in the Territory.

After her sojourn in Honolulu, Miss Strack made a tour of the outer islands. On this tour, which was sponsored and financed by the HCLC, Miss Strack was accompanied by Stephen Murin and Robert Greene. Public meetings, or forums, were held on Kauai, Maui, and Hawaii, at all of which Miss Strack spoke on communism. At these meetings, according to reports later made to the HCLC by Mr. Murin, the attendance was large and much interest was manifested in Miss Strack's subject. On the tour contributions were solicited, and Mr. Murin reported that he had brought back with him checks from ILWU locals on Kauai and Maui, each in an amount in excess of $1,000. He stated that the contributions from the locals on Hawaii had not yet been received but that they would be substantially larger than the amounts contributed on Kauai and Maui. On the tour Mr. Murin and Mr. Greene activated branches of the Honolulu HCLC on Kauai, Maui, and Hawaii.

Prior to Miss Strack's tour of the outer islands, the HCLC had formed a branch at Waipahu on the Island of Oahu. Many of the members of this branch, which is largely Japanese, regularly attended meetings in Honolulu.

A detailed diary of Miss Strack's Hawaiian tour was published in the People's World for August 8, 1948.

NATURE OF THE COMMUNIST PARTY IN THE UNITED STATES OF AMERICA

The Communist Party in the United States of America (of which the Communist Party of Hawaii is a part), is not a political organization in the accepted American meaning of the term. All established political parties in the United States owe first allegiance to this Nation. Their policies and programs are aimed at the steady and constant improvement of American life. Not so the Communist Party. Communists owe first allegiance to Moscow. They seek, not to advance the welfare of the American people, but to advance the power and prestige of Moscow. Their real programs are secret. Their aims are accomplished or advanced, not by honest appeal to the voters, but by a conspiratorial campaign to gain positions of influence in established organizations.

Every program and policy of the Communist Party is shaped in Moscow. The platform and program are handed to the Communist cells in Hawaii ready-made. When the interests of Hawaii and the interests of Moscow diverge, the controlling Communists in Hawaii are pledged to sabotage the Hawaiian interests and to strive for the triumph of the Moscow program.

By this process, communism sells Hawaii down the river at every opportunity, reducing the living standards of the people through strikes and sabotage, obstructing every type and kind of legitimate business activity, sowing daily the seeds of dissension and strife among the people at a time when every consideration of patriotism and national welfare demands peace, harmony, and constructive cooperation for the general welfare.

STRIKE LOSSES CRIPPLE HAWAIIAN ECONOMY

Ocean shipping is the life line of the Territory of Hawaii. When shipping stops, business falters—soon comes to a standstill. Merchants must close their shops. Food disappears from the stores. Shoes and clothing cannot be replaced. Contruction stops. Steadily, from day to day, the economic pulse of the islands beats weaker and weaker. As unemployment spreads to every line of business, unemployment-insurance reserves are drained. First, the ILWU calls a strike on the Pacific coast. Several months later, when the ports of San Francisco, Seattle, and Los Angeles are reopened, a strike begins in the ports of the Territory. At any moment the Communist leaders of the ILWU decide that conditions are not to their liking, the commerce of the Hawaiian Islands is brought to a standstill. The record of shipping strikes on the west coast and in Hawaii tells the story. In 1934 the shipping stoppage lasted 84 days. In 1936 it lasted 98 days. In 1939–40 it lasted 53 days. In 1946 it continued for 54 days. The 1948 strike lasted 94 days. The 1949 strike has been in progress since April 30.

In addition to these demoralizing shipping strikes, the ILWU also has precipitated strikes repeatedly against the sugar and pineapple plantations, usually at a critical time in the development or harvesting of these crops. The sugar strike in 1946 lasted 79 days. The refusal of the ILWU to allow any irrigation work during this long period caused crop damages throughout the entire sugar area, the effects of which still are being felt in the 1949 harvest.

The shipping strikes usually develop at the peak of the tourist season, reducing incoming travel to the vanishing point. During the 1948 shipping strike, for example, one hotel in Honolulu reported $289,000 in cancellations for September and October alone. Traffic in the interisland air system was reduced by half. At one time during the 1948 strike, Hawaiian sugar planters had 120,000 tons of sugar tied up on board ship at San Francisco. Extra handling charges on some sugar shipments ran as high as $12 per ton, far more than the average operating margin realized by most plantations.

The Honolulu Chamber of Commerce estimated that the 1948 shipping strike cost the economy of the Territory about $400,000 a day for the 94-day period. This included a loss of approximately $150,000 a month in wages for longshoremen.

In reviewing these crippling losses, it must be borne in mind that the maritime workers in Hawaii do not themselves call these strikes. The strikes are ordered from the Communist-controlled ILWU headquarters in San Francisco. When the local union in the Territory disavows responsibility for a west-coast shipping strike, the resulting unemployed longshoremen in the Territory then qualify for unemployment insurance during the entire period of the shipping paralysis.

A curious pattern has developed in the ILWU settlement negotiations in Hawaii. Once a strike has been precipitated, local ILWU officials profess they are without authority to make specific settlement terms; that terms can be agreed to only by ILWU headquarters in San Francisco. Strikes which cannot be settled on any terms, because of the refusal of the Communists to negotiate in good faith during the economic paralysis, gradually sink the entire Territory into a quagmire of acute depression. The losses from one strike hardly can be covered before another strike is at hand. This is the familiar pattern of Communist "softening up" by economic attrition before the big push for the final coup d'état. If the Territory of Hawaii can be prostrated by this system of slow economic bleeding, it must ultimately become a social bog ripe for the final wrecking blow of Communist seizure.

ALL COMMUNIST PARTIES ARE DIRECTED FROM MOSCOW

House Report No. 209, published by the Committee on Un-American Activities on April 1, 1947 (80th Cong., 1st sess.), states:

"It is the unanimous opinion of this committee that the Communist Party of the United States is in fact the agent of a foreign government. * * * We must recognize that in dealing with communism we are dealing with a world-wide revolutionary movement which is being directed by a foreign government. * * * It is the object of this report to establish from documentary sources the fact that from its inception in September 1919 to the present day the Communist movement of the United States may be properly characterized as * * * a section of the World Communist Party, controlled by the Communist Party of the Soviet Union, an organization whose basic aim, whether open or concealed, is the abolition of our present economic system and democratic form of government and the establishment of a Soviet dictatorship in its place."

William Z. Foster, one of the founders of the Communist Party in the United States of America, confirms his party's close ties with Moscow in his book Toward Soviet America (1932), in which he says (pp. 258, 259):

"The Communist Party of the United States * * * is the American section of the Communist International. * * * The Communist International is a disciplined world party. * * * Its leading party, by virtue of its great revolutionary experience, is the Russian Communist Party."

The official boast of the Kremlin is that the Communist International is the creature of the Communist Party of Russia. Karl Radek reported to the Ninth Communist Congress in Moscow on April 3, 1920:

"The Third International is the child of the Russian Communist Party. It was created here in the Kremlin, on the initiative of the Communist Party of Russia. The executive committee of the Third International is in our hands."

Benjamin Gitlow, also one of the founders of the Communist Party in the United States of America, testified before the House Un-American Activities Committee on September 8, 1939:

"The only party that has the right to instruct its delegates to the Communist International, and to make those instructions binding on the delegates, is the Russian Communist Party. * * * In other words, they have built the Communist International in such a way that Russia, under no circumstances, can lose control."

On another occasion, in 1949, Gitlow wrote:

"Individuals who join the Communist Party are required to take an oath of allegiance to the Soviet Union as the fatherland of the workers all over the world. They pledge themselves to give the whole of their lives in working for the overthrow of the United States Government and the triumph of Soviet power. What induces individuals, formerly loyal to America, to join a movement that is irreligious, criminal, and based on treason?" (CONGRESSIONAL RECORD, Appendix, p. A3589.)

Josef Stalin, in person, presented a detailed program for the Communist Party in America in a statement before the Presidium of the Communist International in Moscow May 14, 1929. This program from Stalin is found in documentary form in the records of the Committee on Un-American Activities, volume XI, pages 7112 to 7124. In it Stalin followed the basic teaching of Lenin: That Communist organizations should be so formed as to concentrate "all secret functions in the hands of as small a number of professional revolutionists as possible." This fundamental dogma of the Kremlin has been adhered to faithfully by the Communist Party in Hawaii, in which all executive power, and all policy decisions, are concentrated in the hands of fewer than six men. Harry Bridges, in California, directs these six men.

The first record of a formal report to Moscow on Communist activities in Hawaii is found in the Report of the Executive Committee of the Communist International, published in July 1928. A section of that report is headed: Anti-American Agitation in the Philippines and in Hawaii (H. Rept. No. 209, 80th Cong., 1st sess., p. 35). This House report establishes the fact that Communist activities in Hawaii have been reported directly to Moscow for at least 21 years.

The Communist International maintains a special agency to distribute Moscow decisions and orders to the 67 nation-wide Communist parties throughout the world. The annual report of the agitation and propaganda department reveals that during June 1945 Moscow supplied cable and wireless news daily to 29 Communist publications in the United States of America. One of these was the California Labor Herald, 150 Golden Gate Avenue, San Francisco (H. Rept. 209, p. 43). This publication is the official organ and mouthpiece of Harry Bridges and the ILWU. It gets its news prepaid and free from Moscow.

COMMUNIST PARTY IN HAWAII IS AN ILLEGAL ORGANIZATION

It is an accepted fact that the Communist Party in Hawaii is an integral part of the Communist Party of the United States of America. As such it is committed to the overthrow of existing government by force and violence. The Federal courts have held in many cases[1] that the Communist Party

[1] *Kenmotsu* v. *Nagle* (44 F. 2d 953, 954–955 (C. C. A. 9)); certiorari denied (283 U. S. 832); *Saksagansky* v. *Weedin* (53 F. 2d 13, 16 (C. C. A. 9)); *Wolck* v. *Weedin* (58 F. 2d 928, 929 (C. C. A. 9)); *Sormunen* v. *Nagle* (59 F. 2d 398, 399 (C. C. A. 9)); *Branch* v. *Cahill* (88 F. 2d 545, 546 (C. C. A. 9)); *Berkman* v. *Tillinghast* (58 F. 2d 621, 622–623 (C. C. A. 1)); *In re Saderquist* (11 F. Supp. 525, 526–527 (D. Me.)); affirmed sub nom., *Sorquist* v. *Ward* (83 F. 2d 890 (C. C. A. 1)); *United States* v. *Curran* (11 F. 2d 683, 685 (C. C. A. 2)); certiorari denied sub nom., *Vojnovic* v. *Curran* (271 U. S. 683); *United States* v. *Smith* (2 F. 2d 90, 91 (W. D. N. Y.)); *Re Worozcyt et al.* (58 Can. Cr. Cas. 161 (Sup. Ct. Nova Scotia, 1932)). Of the three cases mentioned in the opinion of *Schneiderman* v. *United States* (320 U. S. 118, at 148, fn. 30), as holding to the contrary, one—*Colyer* v. *Skeffington* (265 Fed. 17 (D. Mass.))—was, as there noted, reversed on appeal (sub nom. *Skeffington* v. *Katzeff*, 277 Fed. 129 (C. C. A. 1)); and one—*Strecker* v. *Nessler* (95 F. 2d 976 (C. C. A. 5))—was affirmed by this Court, with modification, on other grounds, and without consideration of this point (307 U. S. 22). In the third, *Ex parte Fierstein* (41 F. 2d 53 (C. C. A. 9)), the only evidence adduced in support of the finding was the bare statement of the arresting detective that the party did so advocate.

Murdock v. *Clark* (53 F. 2d 155, 157 (C. C. A. 1)); *United States ex rel. Yokinen* v. *Commissioner* (57 F. 2d 707 (C. C. A. 2)); certiorari denied (287 U. S. 607)); *United States ex rel. Fernandas* v. *Commissioner of Immigration* (65 F. 2d 593 (C. C. A. 2)); *United States* v. *Perkins* (79 F. 2d 533 (C. C. A. 2)); *United States* v. *Reimer* (79 F. 2d 315, 316 (C. C. A. 2)); *United States ex rel. Fortmueller* v. *Commissioner of Immigration* 14 F. Supp. 484, 487 (S. D. N. Y.)); *Ungar* v. *Seaman* (4 F. 2d 80, 81 (C. C. A. 8)); *Ex parte Jurgans* (17 F. 2d 507, 511 (D. Minn.), affirmed 25 F. 2d 35 (C. C. A. 8)).

of the United States of America does in fact advocate the overthrow of government by force and violence. In the deportation proceedings against Harry Bridges, the Attorney General of the United States, on May 28, 1942, made the following findings of fact relative to the aims, purposes, and programs of the Communist Party of the United States of America:

"The the Communist Party of the United States of America, from the time of its inception in 1919 to the present time, is an organization that believes in, advises, advocates, and teaches the overthrow by force and violence of the Government of the United States."

Therefore, the Communist Party in Hawaii, and each and every member and affiliate thereof, is subject to prosecution under the Smith Act (Public Law 670, 76th Cong., ch. 439, 3d sess., approved June 28, 1940), which provides penalties up to 10 years imprisonment and fines up to $10,000 for persons who "knowingly or willfully advocate, abet, advise, or teach the duty, necessity, desirability, or propriety of overthrowing or destroying any government in the United States by force or violence."

A vigorous enforcement of this statute, based on the true character of the Communist Party in Hawaii, should be instituted by the United States Department of Justice. To delay further in such vigorous enforcement of the laws against international communism will be to gamble with the security not only of Hawaii but of the entire United States.

No alert citizen can afford to be lulled by the fact that known Communist affiliates in Hawaii constitute only a very small proportion of the total population. The House Committee on Un-American Activities warned in its report of May 10, 1948:

"Modern society has become so intricate that it is conceivably possible for a comparatively small, closely knit and determined group, located in strategic and sensitive points and dedicated to the use of force and violence, to create serious confusion, to dislocate and perhaps even paralyze the machinery of our economic and social life."

In answer to those who contend there are only a few card-carrying Communists in Hawaii, it may be emphasized that only about 3 percent of the population of Russia are members of the Communist Party. In Russia fewer than 6,000,000 Communist Party members impose the Communist program upon a population of 180,000,000 people. More than 30,000,000 victims of communism are in Stalin's slave labor camps in Siberia. The Communist seizure of Poland was accomplished by a Communist Party which constituted less than 4 percent of the total population. In Yugoslavia, only 2.5 percent of the population are members of the Communist Party, yet they impose their program upon a population of 16,000,000. Czechoslovakia, Hungary, Bulgaria, and Rumania also have been taken over by communism since the end of World War II. In none of these countries did the active membership of the Communist Party make as much as 9 percent of the total population. Yet the Communists are in complete control of all of these nations. Communism never bothers itself with majority rule. It seeks merely to gain control of the instruments of public power, and then to subjugate the entire population to the Kremlin's master plan for revolution. In all the countries taken over by Communist internal aggression since the war, there has been not a single exception to this rule.

HAWAII A BASE OF COMMUNIST OPERATIONS

The Kremlin in Moscow, world headquarters of international revolutionary communism, regards Hawaii as one of its principal operating bases in the campaign for a Communist United States of America. Official Communist documents demonstrating this use of Hawaii as a base now are in the hands of the Department of Justice in Washington. On February 24, 1948, Lt. Gov. Arthur W. Coolidge, of Massachusetts, said in a public address before the American Veterans of World War II, at Quincy, Mass.:

"I charge that communism's key assault on the United States is starting in Hawaii. I accuse Moscow's secret agents of launching a new surprise attack on Pearl Harbor. If this attack is successful, it will be fully as harmful to our national security as was the sneak blow delivered by Japanese bombs."

Lieutenant Governor Coolidge based his charges on a set of secret instructions issued by the Communist Party to its agents in Hawaii. These documents outline a four-pronged Communist offensive in Hawaii, aimed simultaneously to undermine all religion, to penetrate and capture all labor unions, to discredit and undermine the free press, and to infiltrate all education.

These documents were seized in the Hawaiian Islands by Federal authorities. They have become the basis of a determined further investigation of Communist penetration in the islands.

COMMUNIST OBJECTIVES IN HAWAII

Statehood for Hawaii is a primary objective of Communist policy in the Territory. The ILWU and the Communist Party say frankly that they could control a clear majority of the delegates who would write the new State constitution.

It is my opinion that the immediate objectives of the ILWU-Communist Party conspirators in Hawaii are:

(1) Statehood, with a State constitution to be dictated by the tools of Moscow in Honolulu;

(2) Removal of Gov. Ingram M. Stainback, to be replaced by a Governor named by the Communist high command in Hawaii;

(3) A general strike to paralyze all business activities in the islands.

SUMMARY OF RECOMMENDATIONS

It is my firm conviction, following my visits to the islands and a long study of the ramifications of Communist penetration there, that the admission of the Territory of Hawaii to the Union at this time would not be in the best interests of either the Territory of Hawaii or the United States.

In summary, this report recommends:

(1) That statehood for Hawaii be deferred indefinitely until communism in the Territory may be brought under effective control.

(2) That the Territorial government of Hawaii be encouraged to take positive steps within the scope of its authority to suppress unlawful communistic activities.

(3) That the executive branch of the Federal Government, through the Department of Justice, take immediate steps to prosecute lawless communism in the Territory, and to protect from force and violence those who honestly seek to support and strengthen orderly constitutional government.

(4) That Congress take cognizance of the very serious economic problems which confront Hawaii as a result of the activities of the Communist-dominated ILWU and immediately enact remedial legislation.

An overwhelming majority of the people of the Territory desire to see Hawaiian communism put down.

Congress should give these good people every help and assistance within the power of the Federal Government.

Then the laudable aspiration for statehood soon again would become a practical vision for the Hawaiian Islands. But in the meantime, neither Congress nor the American people should risk a permanent league with communism within the structure of the Federal Union.

Respectfully submitted.

HUGH BUTLER,
United States Senator from Nebraska;
Member, Committee on Interior and Insular Affairs.

WASHINGTON, *June 21, 1949.*

APPENDIX A

Hawaii

[Area, 6,454 square miles. Population, 540,500 (1948)]

Race	Citizens	Aliens	Percent
Hawaiian	10,650		2.0
Part Hawaiian	70,110		13.0
Puerto Rican	9,820		1.8
Caucasian	177,580	2,900	33.4
Chinese	28,180	2,350	5.6
Japanese	144,640	31,640	32.6
Korean	5,570	1,750	1.4
Filipino	18,350	35,200	9.9
All others	1,580	90	.3
Total	466,480	74,020	100.0

(Appendix to the CONGRESSIONAL RECORD, p. A1672.)

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BUTLER:

S. 2129. A bill to amend section 3412 (c) (2) of the Internal Revenue Code, as amended (relating to tax on gasoline); to the Committee on Finance.

By Mr. IVES:

S. 2130. A bill for the relief of Fernando Simbola; to the Committee on the Judiciary.

By Mr. THYE:

S. 2131. A bill for the relief of Bernard Joseph Usiak; to the Committee on the Judiciary.

By Mr. GILLETTE:

S. 2132. A bill to continue for a temporary period certain powers, authority, and discretion for the purpose of exercising, administering, and enforcing import controls with respect to fats and oils, and rice and rice products; to the Committee on Banking and Currency.

By Mr. KNOWLAND (for himself and Mr. DOWNEY):

S. 2133. A bill to give effect to the convention between the United States of America and the Republic of Costa Rica for the establishment of an Inter-American Tropical Tuna Commission, signed at Washington, May 31, 1949; to the Committee on Foreign Relations.

By Mr. MCGRATH (by request):

S. 2134. A bill to provide for placing under the Classification Act of 1923 as amended, certain positions in the municipal government of the District of Columbia; and

S. 2135. A bill to obviate the necessity for residence in the District of Columbia and permit members of the Commission on Mental Health to reside in the metropolitan area; to the Committee on the District of Columbia.

INVESTIGATION OF TUNG OIL INDUSTRY

Mr. PEPPER. Mr. President, on behalf of the senior Senator from Alabama [Mr. HILL], the senior Senator from Louisiana [Mr. ELLENDER], the senior Senator from Mississippi [Mr. EASTLAND], the junior Senator from Alabama [Mr. SPARKMAN], the junior Senator from Mississippi [Mr. STENNIS], the junior Senator from Louisiana [Mr. LONG], and myself, I submit for appropriate reference a concurrent resolution providing for the appointment of a joint committee to investigate the tung oil industry of the United States, and I ask unanimous consent that an explanatory statement by me may be printed in the RECORD.

The VICE PRESIDENT. The concurrent resolution will be received and appropriately referred, and, without objection, the statement will be printed in the RECORD.

The concurrent resolution (S. Con. Res. 49) was referred to the Committee on Agriculture and Forestry, as follows:

Resolved by the Senate (the House of Representatives concurring), That there is hereby established a joint congressional committee to be composed of two members of the Committee on Agriculture and Forestry of the Senate, two members of the Committee on Foreign Relations of the Senate, and two members of the Committee on Finance of the Senate, to be appointed by the President of the Senate, and two members of the Committee on Agriculture of the House of Representatives, two members of the Committee on Foreign Affairs of the House of Representatives, and two members of the Committee on Ways and Means of the House of Representatives, to be appointed by the Speaker of the House of Representatives. Vacancies in the membership of the joint committee shall not affect the power of the remaining members to execute the functions of the joint committee, and shall be filled in the same manner as the original selection. The joint committee shall select a chairman and a vice chairman from among its members.

SEC. 2. It shall be the duty of the joint committee (1) to make a full and complete study and investigation of the tung-oil industry of the United States, and (2) to report to the Senate and the House of Representatives not later than July 15, 1949, the results of its study and investigation, together with such recommendations as to necessary legislation as it may deem advisable.

SEC. 3. The joint committee, or any duly authorized subcommittee thereof, is authorized to sit and act at such places and times during the sessions, recesses, and adjourned periods of the Eighty-first Congress, to require by subpena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, to take such testimony, to procure such printing and binding, and to make such expenditures as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words.

SEC. 4. The joint committee shall have power to employ and fix the compensation of such officers, experts, and employees as it deems necessary in the performance of its duties, but the compensation so fixed shall not exceed the compensation prescribed under the Classification Act of 1923, as amended, for comparable duties.

SEC. 5. The expenses of the joint committee, which shall not exceed $10,000, shall be paid one-half from the contingent fund of the Senate and one-half from the contingent fund of the House of Representatives upon vouchers signed by the chairman. Disbursements to pay such expenses shall be made by the Secretary of the Senate out of the contingent fund of the Senate, such contingent fund to be reimbursed from the contingent fund of the House of Representatives in the amount of one-half of the disbursements so made.

The statement presented by Mr. PEPPER is as follows:

STATEMENT BY SENATOR PEPPER

Mr. President, Senators HILL and SPARKMAN, of Alabama; Senators ELLENDER and LONG, of Louisiana; Senators EASTLAND and STENNIS, of Mississippi, and I am offering today in the Senate a concurrent resolution to establish a joint congressional committee, composed of two members of the Senate Agriculture Committee, two members of the Senate Foreign Relations Committee, two members of the Senate Finance Committee, and two members of the respective committees of the House of Representatives, to make a complete and full study and investigation of the tung-oil industry of the United States, and to report to the Senate and House of Representatives not later than July 15, 1949, the results of their study and investigation, together with their legislative recommendations.

Mr. President, the American tung-oil industry, one of our young agricultural industries, is facing a great crisis. Today, it is suffering from a very severe disadvantage from unfair competition with Chinese tung oil. There are a lot of other oils that have been developed which compete with it.

The tung-oil industry, which has grown to great proportions and assumed great importance in the South, is consumed in this country in the paint and varnish, linoleum and oil-cloth, and the printing industries. It served a very useful purpose for prosecution of the war. It was used for medical catheters for the armed forces. The oil was used in the making of time bombs and also for use in magnesium parts and other war purposes. In fact, it was so important in the prosecution of the war that the Federal Government placed it on the list of scarce strategic critical materials. Furthermore, since a great amount of our tung oil from China was cut off during the war, it was necessary to encourage our domestic industry. Our Government, therefore, had a price support of 25 cents a pound, and in the first 2 years after the war, in addition, it received other assistance from the Government.

As a result, our own tung-oil industry expanded and grew. Large capital investments were made in the planting of more and more tung groves and in equipment for tung-oil production. Last year tung oil was removed from the list of scarce strategic materials by the Joint Munitions Board. The Department of Agriculture dropped the price-support program for tung oil. In addition, other assistance has been eliminated.

We are told that, now that the war is over, it is possible to get a large amount of tung oil from sources outside the United States, principally from China, and that, although tung oil is a strategic material, it is no longer scarce or critical for military purposes; furthermore, the Government people have informed us that if they provide a support price for tung oil and raise the price too high, we would lose our domestic market to the other competitive oils. It would simply mean, for example, that Chinese producers would be given the benefit of a price-support program. We are also informed by Government people that our trade in China is very important to this country, and that we must buy from China if we expect them to buy from us, and that tung oil is one of the principal products of that country, and that since Chinese producers have a historic place in this field, they, therefore, should not be denied an outlet in the American market for their product.

Senator HOLLAND and I have already introduced in the Senate a bill to make it mandatory that the Government provide a price-support program based on 90 percent for tung oil. A subcommittee of the Senate Committee on Agriculture is holding hearings on this phase of the problem, but, as we can see, the problems of the tung-oil industry extend far beyond the provision of a price-support program. There are so many aspects to the problem that the sponsors of the concurrent resolution believe that a broad joint committee should go into this problem thoroughly and require it to report back to the Congress by the middle of July as to what can be done to help this important domestic industry. Unless some Federal aid is provided immediately, this industry will be strangled.

NATIONAL LABOR RELATIONS ACT—AMENDMENT

Mr. TYDINGS submitted an amendment intended to be proposed by him to the amendment in the nature of a substitute for the committee amendment, proposed by Mr. THOMAS of Utah to the bill (S. 249) to diminish the causes of labor disputes burdening or obstructing interstate and foreign commerce, and for other purposes, which was ordered to lie on the table and to be printed.

FREIGHT ABSORPTION—NEWS REPORT ON ADDRESS BY SENATOR O'MAHONEY

[Mr. JOHNSON of Colorado asked and obtained leave to have printed in the RECORD an article entitled "Freight Cost Assimilation Held Urgent," published in the Chicago Journal of Commerce of June 23, 1949, commenting upon an address delivered by Senator O'MAHONEY before the Chicago Association of Commerce on June 22, 1949, which appears in the Appendix.]

COLUMBIA VALLEY ADMINISTRATION—STATEMENT BY HON. CHARLES W. HODDE

[Mr. MAGNUSON asked and obtained leave to have printed in the RECORD a statement by Hon. Charles W. Hodde, Speaker of the House of Representatives of the State of Washington, before the Senate Committee on Public Works on the Columbia Valley Administration bill, which appears in the Appendix.]

CAN AIR POWER ALONE WIN A WAR?—ARTICLE BY REAR ADM. D. V. GALLERY

[Mr. BALDWIN asked and obtained leave to have printed in the RECORD an article by Rear Adm. D. V. Gallery, U. S. Navy, published in the Saturday Evening Post for June 25, 1949, which appears in the Appendix.]

ACTION ON GENOCIDE—EDITORIAL FROM THE NEW YORK HERALD TRIBUNE

[Mrs. SMITH of Maine asked and obtained leave to have printed in the RECORD an editorial entitled "Action on Genocide," published in the New York Herald Tribune of June 18, 1949, which appears in the Appendix.]

THE ATLANTIC FEDERATION—EDITORIAL COMMENT

[Mr. KEFAUVER asked and obtained leave to have printed in the RECORD two editorials on Atlantic federation, one from the Houston Post of March 28, 1949, and the other from the Anderson (Ind.) Herald of May 10, 1949, which appear in the Appendix.]

EDITORIAL COMMENT BY WASHINGTON STAR ON SPEECH BY HON. JAMES F. BYRNES

[Mr. MAYBANK asked and obtained leave to have printed in the RECORD an editorial entitled "Our Coming Struggle," published in the Washington Evening Star of June 23, 1949, which appear in the Appendix.]

PROCESS OF OBTAINING FRESH WATER FROM SEA WATER

[Mr. MORSE asked and obtained leave to have printed in the RECORD a letter addressed to him by John J. Beckman, of Portland, Oreg., on the subject of separating salt and other solids from sea water, a brief article entitled "The Sea Flash Process," and a statement by Mr. Beckman, which appear in the Appendix.]

GOVERNMENT ECONOMY—STATEMENT BY SENATOR WILEY

Mr. WILEY. Mr. President, I send to the desk a statement on the important subject of Government economy. I ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

COMMENTS BY SENATOR WILEY ON GOVERNMENT ECONOMY

Mr. President, I have discussed previously on the floor the vital subject of Government economy in order to keep this Nation from

going on the financial rocks. I will not, therefore, presume at the present time to take the time of the Senate to discuss this matter in greater detail. I do, however, want to simply emphasize this point: Never before in my experience have the American people been more deeply interested in a balanced budget, in the prevention of deficit spending, in the elimination of unnecessary Government appropriations, and in related themes.

In times past, our people have not always been as vigilant as they are today to protect the financial solvency of our country.

Like my colleagues, I have received a tremendous number of communications from the grass-roots of my State on the above subjects. The themes common to these letters are the same, although these messages arise out of the spontaneous convictions of thinking American citizens. The themes are:

1. Congress must enact the Hoover Commission reports. (I have previously urged, as my colleagues will recall, as a matter of fact, that Congress stay in session until the Hoover suggestions are applied into public law.)

2. Congress must pass the bipartisan resolution for 5- to 10-percent reduction in Federal appropriations. (It is my privilege to serve as a cosponsor of Senate Joint Resolution 108 which we hope will save from two to four billion dollars in Federal money.)

3. Congress should pass the consolidated appropriation bill. (This, too, I have urged in order that our people can get a clear idea of just what Federal expenses are, rather than having to read a dozen financial bills to clean the state of Federal expenses.)

4. Congress must scrutinize each Federal appropriation to each agency in order to squeeze out the water, eliminate unnecessary functions, etc.

I have in my hand a resolution from the Milwaukee Century Club, and I ask that it be printed immediately following these remarks. Following it, in turn, I ask that there be printed excerpts from communications which I have received from Wisconsin citizens. These represent a cross section of Wisconsin thinking and Wisconsin groups, and I believe that they tell in a more striking way than I can or any of my colleagues can, the fundamental convictions of any of my colleagues can, the fundamental convictions of our American people on behalf of Government economy.

As a final note there is included an excerpt from the latest Wisconsin Chamber of Commerce Bulletin entitled "Forward," which discusses one important phase of Federal economy.

MILWAUKEE CENTURY CLUB,
June 13, 1949.

Hon. ALEXANDER WILEY,
House of Senate,
Washington, D. C.

DEAR SIR: The Milwaukee Century Club of the city of Milwaukee, county of Milwaukee, State of Wisconsin, being a social and civic organization with a standing membership of 100, at its last regular meeting passed a resolution favoring the Hoover Commission report.

With the anticipated deficit for this year amounting to approximately $3,000,000,000 and a possible deficit for the next fiscal year amounting to $6,000,000,000, it is very apparent that the Government practice whatever economies are possible without detriment to its programs proposed and adopted in the interests of the people. It appears that many suggestions in the report are salutary, and we therefore urge that full consideration be given to this report and the economies suggested therein, wherever practicable, be made effective.

STANLEY A. STUDER,
Secretary.

EXCERPTS FROM BADGER LETTERS

From Merrill:

"DEAR SENATOR WILEY: I was very pleased to note recently that you and Senator MCCARTHY saw fit to vote for some economy in the "pork barrel" river and harbors appropriation matter, though unfortunately you were badly outnumbered.

"It seems that the public should become aware of the extravagances involved in that type of legislation and start to make their feelings known to their elected Representatives. Unless somewhere along the line we do arrive at a conscientious effort to halt wasteful expenditures and bring our fiscal affairs into proper focus, a crisis, if not a disaster, is definitely ahead."

From Manitowoc:

"Your negative vote on the river, harbor, and flood-control program of the United States Army engineers has been noted, and you are to be commended for your stand.

"It is unfortunate that the majority in this instance was more interested in the pork-barrel aspect rather than the intelligent businesslike analysis of the problem, but keep up the good work.

"Your every effort toward further economy in Government is, in my opinion, of utmost importance."

From Milwaukee:

"Businessmen, when confronted by reduced income, are forced to cut costs. To lower break-even points often means cutting valued employees off the pay rolls and curtailing expenses in many ways—unpleasant but necessary work.

"Why shouldn't the Government do the same under similar conditions?

"I do not believe this is the time to raise taxes—neither do I think we should go in for deficit financing."

From Beloit:

"DEAR SENATOR WILEY: I am writing to ask you to use your influence to see that the necessary legislative steps are taken to enact into law the reorganization program outlined in the Hoover Commission report. I know you are anxious to promote efficiency and economy in our Federal Government to the end that the tax burden on all of us can be reduced. It is apparent to many of us back here in Beloit that the reorganization plan outlined by Mr. Hoover's committee is the most direct method of accomplishing this. I cannot urge too strongly that the reorganization program be enacted and that it be enacted without excepting any Federal agency.

"I would also appreciate your close consideration of two economy measures:

"1. The bipartisan retrenchment proposal by which total appropriations this year would be reduced from $2,000,000,000 to $3,000,000,000.

"2. The Senate resolution introduced by Senator BYRD and cosponsored by several other Senators providing for the consolidation of all appropriation bills into one bill to be considered by Congress at one time.

"It would appear to me that both of these proposals are worthy of enactment into law."

From Milwaukee:

"We would urge upon you that, before consideration of any spending program, the budget be balanced, provision be made for some debt retirement, and a tax load which can be carried by individuals and by industry without destroying the incentive system.

"We further urge quick congressional action on all the recommendations of the Hoover Commission which would result in substantial operating economies. It is our feeling that holding expenditures below expected revenues would be a favorable factor and would do more to overcome the recession which we have been experiencing for the last 6 months, than any spending program or any other action that Congress might take.

"Unsound spending and an excessive tax load will positively increase the recession and, if this is continued, we will have a depression which may be the most serious in our history."

From Racine:

"I am sure you concur in the necessity for the sharp reduction of Government spending, with a corresponding reduction in corporate taxes if venture capital is to be brought back into the market to provide for the expansion or modernization of our industries. The Administration's present course will most surely lead us into State ownership of production facilities, which is their apparent goal as evidenced by the economic expansion bill we understand is shortly to be introduced.

"The Hoover Commission report points the way."

From Kenosha:

"Through the various papers which I read, my attention has been called to the fact that various pressure groups are demanding more New Deal legislation and larger appropriations.

"I want you to know that I am not in favor of any increase in Government spending and believe that the sooner Congress gives more sincere thought to the Hoover Commission and the cutting of Government expenditures, the better it will be for this country. If the Government was a private business corporation such as I am operating and continued to spend as it is now spending in Washington, it would have been bankrupt long ago.

"Whether the President thinks so or not, we are in a recession, and I do not agree with his ideas of more bureaucracy and more spending."

From Wausau:

"The only purpose of this letter is to commend you for what you have done in the past along this line and to strengthen your hand in supporting all future economy measures. It seems that we must definitely stop some of this extravagant spending, or our Government finances will be in an extremely dangerous condition. I am certain that there is nearly universal support for such a move, although its supporters are probably not as audible as the exponents of spending."

From Wausau:

"I attended a sizable meeting in Wausau today, and almost the entire discussion was with respect to a reduction in appropriations so that the budget for the coming fiscal year may be balanced without increased taxation. I know you have been working toward this goal, and the people in Wisconsin are going to appreciate your efforts. Keep up the good work."

EXCERPT FROM WISCONSIN CHAMBER OF COMMERCE BULLETIN

IS NATIONAL-DEFENSE AND FOREIGN-AID SPENDING UNTOUCHABLE?

Congressional efforts to hold down the costs of national defense are hampered by the tendency of the general public to regard this category of spending as a "sacred cow," especially during the present days of "cold war." Perhaps this attitude is a carry-over from the recent war, but in any event the admirals and generals, quite naturally, do nothing to correct it; on the contrary, they use it to good advantage to bulwark their requests for even higher appropriations.

Much of Wisconsin's tax problem is due to the heavy burden of taxes imposed by Uncle Sam. Last year Federal taxes collected in Wisconsin were more than double the total of State and local taxes combined. If present Federal spending plans go through, next year it will cost Wisconsin taxpayers $430,000,000 as their share of the national-defense and foreign-aid programs. This is $70,000,000 more than they paid last year in taxes for all State and local government purposes, including highways, schools, and public-welfare costs.

Wisconsin taxpayers' share of the national-defense program is, roughly, $327,000,000; the Wisconsin share of foreign-aid costs is about $103,000,000. The foreign-aid program contains amounts required for the European recovery program, government and relief in occupied areas, and amounts for Greek-Turkish aid. It does not include anything for the proposed Atlantic Pact program. Wisconsin's share of the cost of Federal spending is about 2.06 percent of the total, based on its proportion of income paid out, population, and Federal income and pay-roll-tax collections.

A county-by-county break-down of the $430,000,000 total reveals wide variations between counties, but for the State as a whole Wisconsin's share of 1950 military and foreign-aid programs amounts to more than twice the total of taxes levied in 1948 on general-property taxpayers.

SOME REASONS WHY TAXES ARE SO HIGH

Military demands run high not only because of the strategic needs of the military, but also because of fantastic wastes in military spending. Many instances have been revealed by the Hoover Commission Task Force studying military expenditures. A few may be cited:

Of 86,000 tanks produced in the United States during the war, 25,045 were on hand at the end of the war, according to Army statistics, but the Army could account for only 17,875.

The Government sought funds to build 910 family houses in Alaska for Air Force personnel at a cost of $58,350 each, 828 houses in Guam at a cost of $48,000 apiece, and 7,880 in the United States at $18,600 each.

One manufacturer furnished a replacement part to the Navy at $63 each, but the same item under a different Navy identification number could have been procured from the prime manufacturer at $9.06 each.

Real headway against unduly large national defense and foreign expenditures can be made as soon as Congress feels that a more critical approach on its part to such expenditures will have public support.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. PEPPER. Mr. President, I ask unanimous consent that the Subcommittee on Veterans' Affairs of the Senate Committee on Labor and Public Welfare, before which two more witnesses are to be heard, be permitted to continue its hearing this afternoon.

The VICE PRESIDENT. Without objection, it is so ordered.

On request of Mr. THOMAS of Utah, a subcommittee of the Committee on Banking and Currency was granted permission to meet during the session of the Senate today.

PROMOTIONS IN THE ARMED SERVICES

Mr. TYDINGS. Mr. President, from the Committee on Armed Services I report numerous routine nominations for promotion in the Navy. These nominations for promotions come from the Committee on Armed Services unanimously. No objection has been filed to any of them.

I also report from the Committee on Armed Services the nomination of Maj. Gen. Harold Roe Bull, United States Army, for appointment as Commandant, National War College, with the rank of lieutenant general, under the provisions of section 504 of the Officer Personnel Act of 1947.

The VICE PRESIDENT. Without objection, the nominations will be received.

Mr. TYDINGS. Mr. President, I now ask unanimous consent, as in executive session, that all these nominations be confirmed, and that the President be notified.

The VICE PRESIDENT. Is there objection? The Chair hears none; and, without objection, the nominations are confirmed, and the President will be notified.

THE CURRENT STATUS OF THE DISPLACED PERSONS LEGISLATION

Mr. IVES. Mr. President, I rise to call to the attention of the Senate the deplorable lack of action in the Senate with respect to displaced-persons legislation during this session.

Since January 10, 1949, 14 bills have been introduced in the Senate, designed to correct serious deficiencies in the Displaced Persons Act of 1948. All of them are before the Judiciary Committee. In addition, H. R. 4567, which passed the House on June 2, 1949, is also pending before that committee. Three of these bills, S. 98, S. 99, and S. 100, of which I am a cosponsor, as well as the House bill, if enacted, would liberalize the 1948 act and enable the United States to take at least a step toward assuming its full share of world refugee and displaced-persons responsibilities.

On June 8, 1949, the Committee on Expenditures in the Executive Departments submitted to the Senate a report on the International Refugee Organization, prepared by the Subcommittee on Relations With International Organizations, headed by the able junior Senator from Maryland [Mr. O'CONOR]. As a member of that subcommittee and as its former chairman, I take the liberty of urging Members of the Senate to give careful consideration to this report—Senate Report No. 476. In it is to be found the incontrovertible evidence of the failure on the part of our Government to assume its full measure of responsibility with respect to displaced persons and refugees. In it is also disclosed the fact that between 1945, when World War II came to an end, and May 1949, the United States has accepted only 72,500 persons for permanent immigration. Of those persons, 44,000 were admitted by Executive authority, pursuant to existing law prior to the enactment of the Displaced Persons Act of 1948; only 28,500 persons have been admitted under the act itself as of May 1, 1949.

Aside from the humanitarian aspects of the proposed amendments, this report points out that liberalizing existing legislation might well result in effecting a considerable saving of the taxpayers' money.

By June 30, 1949, the United States will have spent approximately $141,800,000 in connection with its participation in the International Refugee Organization, the international organization charged with the care, maintenance, and resettlement of displaced persons and refugees. By June 30, 1950, when the IRO is supposed to have completed its mission; this Government will have spent an estimated total of $212,230,000 in this connection.

There are still approximately 700,000 displaced persons and refugees to be resettled. Of this number, 360,900, or more than half, are in the United States zone of Germany. Direct care by the United States Government in 1947, prior to the operations of the International Refugee Organization, cost the United States $130,000,000.

All the evidence points to the fact that the International Refugee Organization will not be able to complete its task by June 30, 1950, and this Government will again be called upon to contribute a substantial amount of money.

Action is called for and action is necessary. Unless we take the lead in liberalizing our displaced-persons legislation, American taxpayers may be faced with a steady drain of approximately $70,000,000 a year.

The enactment of workable and reasonable legislation at this time should not only effect a substantial saving, but should go a long way toward solving a serious and perplexing world problem. Action is sorely needed now.

Mr. FERGUSON. Mr. President, I wish to associate myself most emphatically with the statement which has just been made by the distinguished junior Senator from New York. I regret exceedingly that the Senator from Massachusetts [Mr. SALTONSTALL] and the Senator from New Jersey [Mr. SMITH] are unable to be present so that they might personally join in supporting the statement the Senator from New York has just made. I notice on the floor the able Senator from Oregon [Mr. MORSE], and I hope he will have something to say on this problem.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. FERGUSON. I yield.

Mr. MORSE. I simply wish to say that I completely associate myself with the remarks made by the Senator from New York and the remarks about to be made by the Senator from Michigan [Mr. FERGUSON].

Mr. FERGUSON. I thank the Senator, because I knew he was greatly interested in this problem. That is why I pointed out that he is on the floor.

Mr. President, I am authorized to say that I am speaking now for the Senator from Massachusetts [Mr. SALTONSTALL] and the Senator from New Jersey [Mr. SMITH]. In fact, the Senator from New Jersey has prepared a statement on this subject, and I now ask unanimous consent to have it printed in the body of the RECORD at the conclusion of my remarks.

The VICE PRESIDENT. Without objection, it is so ordered.

(The statement prepared by Mr. SMITH of New Jersey appears in the RECORD at the conclusion of Mr. FERGUSON'S remarks.)

Mr. FERGUSON. The Senator from Massachusetts was prepared to speak on this subject, before he was called away. However, he is necessarily absent, and is unable to speak at this time.

It may be recalled that approximately 2 years ago, when I introduced the first displaced persons legislation in the Senate, I remarked upon the financial burden the United States is carrying so long as the displaced persons problem remains unsettled. Therefore, I find most per-

suasive the observations of the Senator from New York regarding the steady drain upon American taxpayers, which continues today. However, the material argument of expense is only one aspect of the question.

The simple fact is that the United States has not as yet assumed its full responsibility with regard to final disposition of this great human problem. The Displaced Persons Act of 1948 has proved to be only a gesture, because of its unworkable features of administration, which a number of us pointed out and sought to remedy by amendments when the bill was before the Senate last year. As a member of the conference committee, I declined to sign the conference report because at that time I believed that a better bill should have been passed by the Congress.

The Senator from New York [Mr. IVES] has stated that "action is sorely needed now." In that statement I most wholeheartedly concur.

It may be recalled that more than 10 weeks ago a group of five Senators, composed of the Senator from New York [Mr. IVES], the Senator from Oregon [Mr. MORSE], the Senator from New Jersey [Mr. SMITH], the Senator from Massachusetts [Mr. SALTONSTALL], and myself, who have supported certain corrective amendments to the existing act, addressed the chairman of the Senate Judiciary Committee, urging early action on this matter. In our letter we said:

> We are very anxious that hearings may be set down and a report made, so that the matter may be brought before the Senate for action.

Mr. President, at this time I reiterate and emphasize that desire and the need for immediate action.

I can say for the group of five Senators I have mentioned that we have no particular pride of authorship in our proposed amendments. As a matter of fact, I believe that, in the light of experience under the act, at least one of the amendments should be revised so as to make possible even greater improvement in the administration of the act. But, of course, that is the way of all legislation: As imperfections or defects develop, amendments can be made or repeal can be had, as the facts may indicate should be done. The point is that there is available for study a comprehensive body of proposed legislation, including a bill already passed by the House, and there is also available for analysis a year's experience under the act, which proves its shortcomings. In justice, fairness, and self-interest, I believe it is imperative that the Senate proceed to immediate hearings and action on this most important matter.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. FERGUSON. I yield.

Mr. TAFT. I also should like to associate myself with the Senators who insist that some action be taken at this session on the displaced persons bill. I suggest to the Senator that it seems to me that in view of the position of the Democratic Party, as well as the position of the Republican Party, if the Judiciary Committee does not report this bill within a reasonable time, the duty should lie on the majority leader himself to move to discharge the committee from the further consideration of the bill. I wonder whether we can have some assurance that if reasonable action is not taken, that will be done. Under his leadership the committee probably would be discharged from the further consideration of the bill. Without his leadership and approval that would be very difficult to do.

Mr. FERGUSON. Mr. President, I concur in that statement, because I think when the matter has been before the committee and many facts concerning the situation are available, all we need now is the inclination to do this job. As a member of the Judiciary Committee, I would say now that I would be compelled in good faith to vote in favor of the adoption of a motion to discharge the committee.

I see the able junior Senator from Rhode Island [Mr. MCGRATH] on the floor. I have discussed this matter many times with him. I know how sincerely he personally feels about it. He keenly realizes as do I and the four other Senators I have mentioned, and for whom I have been speaking, and as does the Senator from Oregon [Mr. MORSE], who has spoken for himself regarding this subject, that action is needed.

Mr. THYE. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Minnesota?

Mr. FERGUSON. I yield.

Mr. THYE. Mr. President, I, too, desire to associate myself with every thought and attitude expressed on the Senate floor today on the question of displaced persons.

Mr. LUCAS. Mr. President, will the Senator from Michigan yield?

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Illinois?

Mr. FERGUSON. I yield.

Mr. LUCAS. Mr. President, in view of the fact that the able Senator from Ohio [Mr. TAFT] made a suggestion as to what the majority leader should do, I think it only fair that I make a brief reply, in the time of the Senator from Michigan, if I may be permitted to do so.

The VICE PRESIDENT. Without objection, the Senator will be permitted to do so.

Mr. LUCAS. Let me say, Mr. President, that no Member of the Senate is more interested in seeing that there comes from the Judiciary Committee a liberal bill removing the restrictions and discriminations that exist in the present law than is the Senator from Illinois. I think I can safely say that the majority of the Members on the Democratic side of the Senate are disposed to go along with the kind of bill which was recently reported by a committee of the House of Representatives, and, if I am not mistaken, which has been passed by the House.

Mr. FERGUSON. That is correct. The bill is now in the Senate.

Mr. LUCAS. I can assure the able Senator from Ohio and other Senators who are vitally interested in the subject that it is a question which should be approached on a nonpartisan basis. I can assure them that we shall have some action upon the displaced persons bill, in one way or other, before the session ends.

Mr. FERGUSON. Mr. President, the statement just made by the distinguished majority leader is good news. I think the displaced persons, including those who have recently been compelled to leave Czechoslovakia by reason of the lowering of the Red curtain, will regard it as welcome news that we now have the assurance of the leadership of the Senate that action on this most important legislation will be taken at this session. All we can expect is action, and the information that we are to get some kind of action on the bill is refreshing.

Mr. MCGRATH. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Rhode Island?

Mr. FERGUSON. I yield.

Mr. MCGRATH. Mr. President, I wholly concur with the sentiments which have been expressed with respect to the desirability of action on displaced persons legislation. The Senator from Michigan has been most helpful not alone in this session, but he was also courageously helpful, I may say, during the Eightieth Congress when we were attempting to write what we then regarded as a proper, liberal displaced persons law. He has been cooperative during the present session in an effort to get action on the bills now pending before the Judiciary Committee. I assure him that I shall cooperate in every possible way to try to perfect a bill in committee.

I believe, Mr. President, we are making progress along that line. We have had some hearings. We are going to proceed with further hearings. We all hesitate of course to try to override the will of a committee, and I do not think we ought to do that. Both parties should try to work together harmoniously on this legislation, because both parties are committed to it. I may say, Mr. President, that I do not regard any promise made by the Democratic Party in the last campaign as more binding or more sacred than the promise it made to liberalize the displaced persons law. I believe that Senators on the other side of the aisle feel exactly the same way, so far as their party is concerned. So let us go on and work together, to see if we cannot perfect the bill in committee and bring it out for free and open discussion on the floor of the Senate.

Mr. FERGUSON. Mr. President, I appreciate the statement of the able Senator from Rhode Island, who is on the subcommittee and knows what is going on in that committee.

I see the able chairman of the subcommittee, the senior Senator from Nevada, on the floor. I know that we will get action on the bill, for we have now the assurance that when it reaches the floor and is placed on the calendar, it will be one of the measures to be pressed by the majority. The news that some action will be taken will be refreshing to those who are in the DP camps. They need encouragement. For years and years,

while we have been considering these bills, they have been in displaced persons camps. I hope the news reaches them that action may be expected soon on this important legislation.

Mr. HUMPHREY. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Minnesota?

Mr. FERGUSON. I yield.

Mr. HUMPHREY. Mr. President, I wish to take this opportunity of associating myself with the remarks of the distinguished junior Senator from New York, the distinguished Senator from Michigan, and the other Senators who have spoken on the subject of displaced persons legislation. It was my privilege to serve as a member of the subcommittee dealing with the subject of the International Refugee Organization.

I think the Senator from New York made a very pertinent observation this morning when he brought to our attention Senate Report No. 476. We have had the privilege of listening to the testimony of a number of the officers of the International Refugee Organization, and that testimony is replete with facts as to the need of liberalizing the displaced persons legislation.

There are two facts which need really to be established. One is, as was pointed out by the Senator from New York, that we have had very limited immigration under the act, only 28,500; second, that the International Refugee Organization is costing our Government a sizable sum of money. As I recall the total sum of money expended up to date is approximately $142,000,000, and it will cost, by 1950, in excess of $200,000,000.

I commend the Senator from Michigan, the Senator from New York, the Senator from Rhode Island, and the other Senators who have been working on this question. I may say that the people in my State of Minnesota, the Governor, the church organizations, and the municipal organizations have called upon their representatives in the Congress to do everything humanly possible to get this legislation passed. As the Senator from Rhode Island said, this is something that goes far beyond the pale of politics. It is the most sacred obligation possible of both political parties, in view of the critical international situation and the suffering of millions and millions of people.

Mr. FERGUSON. I appreciate the remarks of the Senator from Minnesota.

Mr. McCARRAN. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Nevada?

Mr. FERGUSON. I yield.

Mr. McCARRAN. Mr. President, I am wondering how many of those who discuss this subject really know the subject. It has been sugar-coated with so much fraud and misrepresentation that sometimes I think that many who discuss the subject have no true idea or conception of it. I wonder how many know the millions of people who are in the United States now illegally and fraudulently. I wonder how many know that since we set up the displaced-persons organizations such persons have been coming into the country in recent months at the rate of about 16,000 a month. I wonder how many know that with all those who have been taken out of the camps there are today more persons in the camps than there were when we first set up the organization, more than there were when we first started to take them out. I wonder how many know that they are coming into the camps by hundreds of thousands, people who have no more right to the claim of being displaced persons than they have the right to a claim of nationality at the North Pole. I wonder how many know that there was expended in the last year, in trying to get this program going, on a different basis, $800,000. I wonder how many know that there never was a more workable law than the one now in existence, and that that has been testified to by the Displaced Persons Commission. I wonder how many of those who discuss the subject know the number of persons in the camps now, and how many there were when we started the program.

Mr. President, persons are coming into those camps as fast as they can, not because they are displaced persons, but because they want to get to America by some means other than the legitimate immigration means which this country has established for its own protection.

Little by little the story will be unfolded to the Senate, and now is not the time for the Senate to "fly off," when the committee has been for months making a study. Eighteen bills on this subject are pending before the committee, including one which has passed the House, which, if it were to become law, would bring into this country not only those who are in camps or who have been in camps, but those who have been taken from camps by other countries and have gone to England, for instance. Those who have been taken to England would be eligible to come into our country.

The human side of the question is appealing. It appeals to all of us. We have done everything in our power, under our system of law, to take care of these displaced persons. As we take them out of the camps, the camps fill up again, and they will continue to fill up. There are four or five million displaced persons in the world, and they continue to fill up the camps as displaced persons already there are taken out of the camps. The testimony shows that they are coming in at the rate of approximately 16,000 a month. Within 19 months we shall do what the Congress said should be done in 24 months, namely, we shall bring in 205,000 persons.

I wonder how many people know these facts. Yet, it is intimated that the question should be taken from a committee of the Senate which has been making a study of it and whose staff is making a study of it.

Mr. President, I again say that there is more humbug involved in this question than there has been in any question which has ever been presented to the Senate. The figures which I have in my office show that $813,000 has been expended in lobbying in connection with the matter. It is not necessary to lobby through a measure which is just, when, as a matter of fact, Congress has enacted a law which is now working satisfactorily.

Mr. FERGUSON. Mr. President, from the argument of the Senator from Nevada, it seems that he feels very keenly about this particular matter. I also feel keenly about it. I feel that there is a problem of immigration to be studied. There is a question of unlawful entry into this country which should be gone into very carefully. There is also a question as to the men and women who are here, and a question of why the countries from which they came will not accept them. These are very grave questions. Those persons are allowed in this country to be free citizens, even though they should be later returned to their native countries.

The Senator from Michigan last year and this year spent a great deal of time on the problem. He feels that he knows something about the questions involved. He has personal knowledge of how the act is working, though he is not a member of the subcommittee. I am not criticizing the subcommittee. I am merely asking for action. I think the fact that we have had this debate has done some good, because, as the Senator from Nevada has said, there are many facts which the people do not know. I think they should know immediately all the facts concerning the displaced persons. If there are thousands of persons coming into the camps, we should receive reports from the International Refugee Organization. I believe this debate will do a great deal of good in the way of making known the facts. Senators who feel that the bill should not pass, should be given an opportunity to vote, and those who feel that it should pass should have the same opportunity.

Mr. McCARRAN. Mr. President, will the Senator yield?

Mr. FERGUSON. I yield.

Mr. McCARRAN. I do not know whether the Senator from Michigan takes the position that the Committee on the Judiciary is not going into the matter. Is that the statement that was made?

Mr. FERGUSON. No. The Senator from Michigan did not say that the Judiciary Committee was not acting.

Mr. McCARRAN. I wish to say to the Senator from Michigan that an intensive study has been conducted in which some of the best members of the staff of the Committee on the Judiciary have been continuously engaged. Although trainloads of persons from far and near have not been brought in to crowd these halls by way of a hearing, we have gone into the subject systematically, scientifically, and factually, and we have been going forward. Whether our action is called hearings or whatever it may be called, there have been analyses of the 18 bills on the subject. That is one phase of the study. There has been an analysis of the whole system, from the time the law was passed until the present moment, and an analysis of the conditions around any camps which are called displaced-persons camps but which have no right to be so called.

Mr. BREWSTER. Mr. President, will the Senator yield?

Mr. FERGUSON. I yield to the Senator from Maine.

Mr. BREWSTER. I should like to inquire of the Senator from Michigan as to how many refugees are contemplated under the House bill and under the Senate bill now under discussion.

Mr. FERGUSON. Under the House bill the number is 400,000. Under the Senate bill the number varies from 400,000 down to 200,000.

Mr. BREWSTER. Over a period of years?

Mr. FERGUSON. That is correct.

Mr. BREWSTER. What is the situation as to the contributions of other nations to the International Refugee Organization? Has the Senator any facts relating to that matter?

Mr. FERGUSON. Yes; but I do not have figures on it at the present time. They have taken a great number of displaced persons, and they are contributing. Of course, Russia is not contributing to the organization, but other countries are contributing to the fund. The International Refugee Organization is trying to do the job, but it lacks the necessary funds. It is trying to support the displaced-persons camps. Their representatives are not only going into the camps, but into other countries. They have to deal with Czechoslovakia since we passed the last act. I have great sympathy with those persons who desire and love freedom and who have been forced to leave Czechoslovakia and wander over other countries in Europe.

Mr. BREWSTER. Under the circumstances which the Senator from Michigan presents as to conditions in Czechoslovakia, how does it happen that there is on the Senate Calendar today the nomination of Ellis O. Briggs, to be Ambassador to Czechoslovakia, under the theory that we do not recognize countries which deny ordinary human rights?

Mr. FERGUSON. I can answer the Senator only by saying that the sending of representatives to various countries is in the hands of the President of the United States. He conducts the foreign policy of the Nation and determines what country shall be recognized and what country shall not be recognized.

Mr. BREWSTER. The Senate certainly has the responsibility of confirming or refusing to confirm the nominations of representatives to foreign nations. Mr. Ellis O. Briggs happens to come from the State of Maine, and I have no disparagement of his qualities; but Secretary Acheson stated not long ago, in connection with a complaint that an ambassador was not sent, that it did not mean anything to have an ambassador. If it does not mean anything, and if Czechoslovakia is violating human rights, compelling the emigration of thousands of persons from that land, why does the President name a new ambassador to Czechoslovakia at this particular moment, when it would seem to give Czechoslovakia full standing and recognition by the Government of the United States?

Mr. FERGUSON. I am unable to answer the question of the Senator, because, as I have said, the naming of ambassadors and the recognition of countries is solely within the province of the President of the United States. I still feel very keenly that, men who sought liberty and freedom, and even the preservation of their lives as political prisoners, were justified in leaving Czechoslovakia, and wandering, let us say, the highways and byways of Europe, trying to find homes to which they might go, until such time as Czechoslovakia lifts the iron curtain, and the freedoms the Senator and I love and cherish are brought back to that country.

Mr. President, I look at this whole question as one having to do with the maintenance of peace. We are talking about peace and peace treaties, but we cannot make peace until we settle the displaced persons question. If we do try to make it, that question will flare up, and may thwart us in our endeavor.

Therefore, Mr. President, to me it is a question concerned with the settlement of peace in the world, as I think the question of Czechoslovakia being taken over by Russia as a satellite is a question relating to international peace, in the end.

Mr. BREWSTER. What about Hungary? Is not that in a very similar situation, as we read the account of what happened to Cardinal Mindszenty and the various Methodist bishops? We have on the executive calendar now the nomination of a minister to Hungary. The minister we had in Hungary was practically compelled to leave the country because of his attitude in behalf of human rights, of American liberties. Because he dared to challenge the action and the activities of the Hungarian Government in regard to these religious leaders, he was requested to leave, and he was obliged to come home. Now we name another man, because the minister we had there was not acceptable, since he dared to stand up for human rights. So another gentleman is named, and presumably he will know better than to say one single word in derogation of a government which is defying all sense of religious liberty, and in addition is compelling more and more of the people of that country to become refugees, and therefore to descend upon the bounty and the Christian charity of the people of the world, and particularly those of America. Is there any sense in our sending a minister to a government such as that?

Mr. FERGUSON. Mr. President, the Senator merely raises questions and facts which present to the American public and to the world the confusion in the thought of our foreign policy. The Senator mentions Hungary, and what has happened in Hungary. Our minister was recalled because the Hungarian Government contended he was giving aid and comfort to those seeking liberty. Many of them were American citizens. But now, as the Senator says, we will send back another minister. That is what confuses the people. They wonder what we are doing to accomplish peace, what we are doing against communism, and what we are doing in the world against totalitarianism, under which the rights of people are denied.

Mr. President, I did not expect the debate would go so far afield as it has gone, but this all has relation to the general issue.

Mr. LANGER. Mr. President, will the Senator from Michigan yield?

Mr. FERGUSON. I yield to the Senator from North Dakota.

Mr. LANGER. In connection with the displaced persons question, I wonder if the distinguished Senator knows that investigation shows that a great many of these folks are coming into this country by fraud.

Mr. FERGUSON. I have not any evidence that any displaced person who has come in under the act has come through fraud. There are people who are not coming in under the act, with respect to whom I have facts, who are coming by fraud. Foreign agents are coming into this country, and I consider that all of them are coming fraudulently, because they are denying they are Communists. But I have no knowledge of any displaced person who has come in under the act has come in through fraud.

Mr. LANGER. Will the Senator yield for a further question?

Mr. FERGUSON. I yield.

Mr. LANGER. Is the Senator familiar with an article which appeared last Sunday in the New York newspapers showing that a great many of these people coming to the United States pretend to be farmers, and state they are farmers, but when they get here the farmers who have sponsored them find they know nothing about farming? Does the Senator know, further, that a great many women say they want to come here as domestics, that they worked as domestics in other countries, but when they get here they absolutely refuse to work as domestics, and say they are librarians, and worked in libraries, or something of that character? A great many complaints have come to my office, and I have referred them to the subcommittee dealing with this subject.

Mr. FERGUSON. The Senator is speaking of displaced persons?

Mr. LANGER. Yes.

Mr. FERGUSON. I did not have that particular knowledge. But if the record indicates that the administration is not proper, that does not go to the question of our having a proper displaced-persons act, and does not go to the question of settling the peace of the world. Naturally I am just as strongly in favor as anyone can be of keeping out persons who would attempt to come in by fraud, or attempt to deceive the immigration officials. I want proper administration, I think proper administration can be had, and I think we can get a bill providing for proper administration.

Mr. LANGER. Does not the Senator believe that it takes time on the part of the subcommittee to prepare properly the legislation, so that if folks do come in under false pretenses, they can be either sent back, or proper steps be taken in the premises?

Mr. FERGUSON. I say it does take time, and if anybody has entered this country, under the Displaced Persons Act, by fraud, by deception, in violation of the act, or in violation of the principles of the Government of the United States, and if he does not stand for the ideals of liberty, I would be the first to agree that he should be deported. But I do not think that is the question we

have before us now. The question is as to getting action on a bill. Congress has already been in session nearly 6 months. Certainly it takes time, but it is a question of how much time.

Mr. LANGER. Will the Senator yield for one more question?

Mr. FERGUSON. I yield.

Mr. LANGER. Is the Senator familiar with the fact that several thousand displaced persons went to England pretending to be miners, and that within a few weeks after they arrived in England, England shipped them all back to the country whence they came?

Mr. FERGUSON. I am familiar with that. I am also familiar with the fact that in Belgium displaced persons were taken into the mines, and that even now they are asking that they go back to the camps. Of course, the Senator from Michigan is not familiar with the conditions under which they were compelled to work in Belgium, but something was wrong somewhere, because they are now going back, and, we may say, deserting the mines of Belgium.

Many problems are involved; but the Senate should strive to solve these very complicated questions of human relationship.

Mr. LANGER. The Senator realizes that the subcommittee is doing the best it possibly can, in view of the additional questions which have arisen, with several thousand persons coming in. We know the circumstances under which they come in, the false pretenses in some cases, and the legislation necessary to safeguard the interests of our country against that kind of people.

Mr. FERGUSON. I know how greatly the Senator is interested in this problem. I merely plead with him today for just a little more speed.

Mr. NEELY. Mr. President, will the Senator from Michigan yield?

Mr. FERGUSON. I yield.

Mr. NEELY. Let me inquire of the able Senator from Michigan, who has rendered outstanding service in favor of the enactment of a humanitarian displaced persons law, whether he thinks that the displaced, innocent, sufferers, have become disentitled to the sympathy of the American people, or to the favorable action of the Congress, by reason of frauds which others have perpetrated in attempting to evade our immigration laws?

Mr. FERGUSON. I am not a believer in common responsibility. I have never felt that one person should be held responsible for the acts or the conduct of another. Therefore the innocent certainly should not suffer because some person has done wrong. I think we have to be able to distinguish, and because we have one bad apple in the barrel is no reason why we should not try to save all the rest of the apples, and cast out the bad.

Mr. NEELY. Mr. President, will the Senator further yield?

Mr. FERGUSON. I yield.

Mr. NEELY. Does not the Senator from Michigan think that the diligent efforts in this matter made by him, the Senator from New York [Mr. IVES], the Senator from Massachusetts [Mr. SALTONSTALL], the eminent Vice President, who was then a Senator from Kentucky, the senior Senator from Illinois [Mr. LUCAS], the Senator from Rhode Island [Mr. MCGRATH], and the Senator from Florida [Mr. PEPPER] should be continued in this Congress jointly by Republicans and Democrats of good will?

Mr. FERGUSON. Mr. President, this is not and should not be a partisan matter.

Mr. NEELY. Does the Senator agree with me that the approach to this question should be nonpartisan, and that the matter should be vigorously and promptly pushed to a favorable conclusion?

Mr. FERGUSON. I agree with the Senator from West Virginia.

Mr. NEELY. Does the Senator from Michigan favor the performance of the following platform promise:

> We pledge ourselves to legislation to admit a minimum of 400,000 displaced persons found eligible for United States citizenship without discrimination as to race or religion. We condemn the undemocratic action of the Republican Eightieth Congress in passing an inadequate and bigoted bill for this purpose, which law imposes un-American restrictions based on race and religion upon such admissions?

And if the Senator does not approve the latter part of that language, does he not think that regardless of who is responsible for the present inadequate law, it should be properly liberalized by this Congress?

Mr. FERGUSON. The Senator from Michigan is on his feet now endeavoring to right what he considers to be a wrong. I notice the Senator from West Virginia read from the Democratic platform. I hope the junior Senator from West Virginia, and the senior Senator from Illinois, the able and distinguished majority leader, who has just spoken on the subject, will try to carry out the principles of the Democratic platform and endeavor to have a proper displaced-persons act passed by Congress.

Mr. NEELY. The Senator from Michigan may depend upon the junior Senator from West Virginia to do everything in his power in behalf of that most desirable consummation. Let me add that the distinguished Senator from Rhode Island [Mr. MCGRATH], who is the able chairman of the Democratic National Committee, has assured me of the vigorous continuation of his untiring efforts in this matter.

Mr. FERGUSON. Mr. President, I yield the floor.

(On request of Mr. FERGUSON, the following statement was ordered to be printed in the RECORD at the conclusion of his remarks:)

STATEMENT ON DISPLACED PERSONS PROGRAM BY UNITED STATES SENATOR H. ALEXANDER SMITH, OF NEW JERSEY, JUNE 23, 1949

Mr. President, through the kindness of my distinguished friend, the Senator from Michigan, I am taking this opportunity to reassert and reemphasize to the Senate my feeling of vital urgency in the matter of the displaced-persons program.

A great deal is being said nowadays in the Senate, on both sides of the aisle, about economy in Government. I heartily agree that Government spending must be reduced, and I take this moment to remind the Senate once again that the displaced-persons problem, for which we have yet to agree on an adequate and speedy solution, is costing this Nation well over $100,000,000 a year. That much money is required of us to help feed and clothe the displaced persons in their camps overseas. That much money is required to maintain these people at a minimum level, in a completely sterile and unproductive situation. If, on the other hand, we can improve our program so as to bring sizeable numbers of them to this country, we will not only effect great dollar savings but we will add these people, with all their talents and their industry, to our human resources and our national wealth.

There are certain objections raised to this program which I consider completely mistaken. By way of illustration, only the other day I was shocked to hear these displaced persons publicly described as the dregs of Europe. Nothing could be further from the truth. I have seen these people with my own eyes, I have talked with them in their camps in Germany, and I have first-hand knowledge of them as strong, self-reliant people who have known the tyranny of Nazi dictatorship and who are determined to make their own way in a democratic community. Moreover, to make doubly sure that no unworthy individual shall be admitted, we have surrounded this program with all the safeguards of our immigration laws and with special precautions against Communist infiltration.

Mr. President, the Displaced Persons Act of 1948 is fraught with pitfalls, delays, and unjust discriminations. When it was passed, we who favored the program considered it better than nothing, but we well knew how far it fell short of what was required. I have mentioned its cost to the American taxpayer and its injustice to the DP's themselves.

But the displaced persons are not the only ones beyond our shores who look to the United States for a more just and more enlightened policy. Freedom-loving peoples all over the world judge our performance according to our own high ideals of equality, democracy, and individual dignity. As a member of the Foreign Relations Committee, I am keenly aware of the close connection between our displaced-persons policy and the entire realm of our foreign relations.

Today, as we Americans with our great power hold the leadership in the cold war against Communist tyranny, the eyes of the world are constantly fixed upon us. It is more than ever vitally necessary that our conduct on the world scene shall conform to the great human principles which we as a nation have stood for from the very day of our independence. If, out of false caution or carelessness, we stand before the world with a policy of injustice, discrimination, and timidity, how long can we expect to receive the admiration of all the freedom-loving people in the world who now must look to us for their safety or their liberation? How long can we expect them to resist the false promises of easy salvation which are so freely made to them from Moscow?

Mr. President, actions speak louder than words. Economy and self-interest may be urged in support of a just and liberal displaced-persons program, and rightly so. But I urge the Senate to support that program on a higher and more worthy principle. The greatness of our Nation comes not from material things but from the things of the spirit. Now, more than ever, we must live and act before the whole world in a way that does honor to our ancient faith.

Mr. LANGER. Mr. President, in view of the fact that the Senator from Michigan has yielded the floor, I wish to make a few remarks. I desire to call the attention of the Senate to the speech delivered by the senior Senator from Nevada [Mr.

McCARRAN] approximately a month ago, in which he was joined, I believe, by the Senator from Mississippi [Mr. EASTLAND]. The two Senators discussed the displaced-persons problem, and, at least to my entire and complete satisfaction, proved that the Republican Party was not guilty of the charge which has just now again been reiterated by the Senator from West Virginia. The report of the senior Senator from Nevada shows that of all the displaced persons who have been admitted under the Displaced Persons Act, roughly, as I remember the figure now, 44 percent were Catholics, 39 percent, as I now recollect, were of Jewish extraction, the remainder being of other religions. As the senior Senator from Nevada said at the time he made his report on the subject, those figures showed that the act was fair and just.

When the bill was under discussion in the Senate the distinguished senior Senator from Wisconsin [Mr. WILEY], who was then chairman of the Committee on the Judiciary, proved to my complete satisfaction that the bill was fair and had been carefully drawn; and, as I now remember, the only difference between the Senator from Michigan and the Senator from Wisconsin was that the Senator from Wisconsin was not in favor of admitting as many displaced persons as was the Senator from Michigan. My recollection is that the Senator from Michigan voted for the bill.

Mr. FERGUSON. Mr. President, will the Senator yield?

Mr. LANGER. I yield.

Mr. FERGUSON. The Senator from Michigan would not sign the conference report on the ground of what he thought was the fixing of a quota in connection with which there was not taken into consideration all the facts, so as to provide that there should be no discrimination. That is the distinction between the position taken by the Senator from Wisconsin and that taken by the Senator from Michigan.

Mr. EASTLAND. Mr. President, will the Senator yield?

Mr. LANGER. I yield.

Mr. EASTLAND. I should like to ask the Senator from Michigan a question. Who was discriminated against in the displaced-persons bill?

Mr. FERGUSON. It was my belief that the facts showed that it would be fair to bring in at that time displaced persons from all the camps in which they were segregated. The camps had segregated them. I felt that all the camps in which displaced persons were segregated should be given their share of the quota, so that there would be no distinction.

Mr. EASTLAND. Will the Senator from Michigan please tell us what racial or religious group was discriminated against?

Mr. FERGUSON. By reason of the dates fixed in the act I felt that the Catholics who had come from Poland would be discriminated against. I also felt that there could be discrimination against the Jews, because of the dates fixed in the act.

Mr. EASTLAND. Has it worked out in the way the Senator felt it would? Have those two groups been discriminated against?

Mr. FERGUSON. There have been so few persons brought in that it is difficult to say.

Mr. EASTLAND. The figures of those brought in show that about 7½ percent of the inmates of the camps belong to one of those religious groups, and that roughly 40 percent of those who are coming to the United States belong to that group.

Mr. LANGER. Mr. President, I wish to reiterate that the subcommittee of the Committee on the Judiciary which is handling the displaced-persons matter—I am not a member of the subcommittee, but have been following its work—has invited to appear before it representatives of all nationalities and of all creeds, and representatives of different nationalities and creeds have appeared before the subcommittee. All have had a fair hearing, with the exception of organizations representing expellees, and they are going to be heard by the subcommittee.

Another grave question which the subcommittee must consider, has arisen. General McCloy, who is now in Germany, the other day announced that he was in favor of sending 11,000,000 displaced persons who are now over there, to Argentina, to Brazil, and to a third country. I have forgotten the name of the third country. The general suggests that the United States Government bear the expense of having these expellees transported to the three countries in question. He announced that the three countries to which I refer desire that the expellees be sent to them. They want those persons to come to their countries. If we are going to pass legislation providing that the United States Government shall pay the transportation of the 11,000,000 persons from Europe to Brazil, to the Argentine, and to the third country mentioned by General McCloy, naturally legislation dealing with displaced persons is going to be somewhat different from what it was before General McCloy made that announcement.

Mr. DONNELL. Mr. President, some reference was made a few minutes ago to the action of the Eightieth Congress with respect to the displaced persons problem. I rise at this moment to say just a few words about what was done by the Eightieth Congress.

I had the privilege of serving under the leadership of the distinguished former junior Senator from West Virginia, Mr. Revercomb, upon the subcommittee of the Committee on the Judiciary which had to do with the displaced persons problem. Several of us went to Europe in the study of this problem. We visited quite a number of camps in Germany. We went to Italy. We were in Geneva, and discussed very fully, I think, with the IRO office, or the temporary IRO office, the problems involved. We were in England, where we likewise had some discussion bearing on that subject.

While there were differences of opinion, while the junior Senator from Michigan [Mr. FERGUSON], the Senator from Massachusetts [Mr. SALTONSTALL], and the Senator from Rhode Island [Mr. McGRATH] differed with the action of the committee, I have no apologies to make for what the subcommittee or the committee itself did. It may be that there should be some amendments to the law. I am quite willing to accede to the view that this is an important problem which should be dealt with as completely and as expeditiously as possible. But when an attack is made, such as has been made on the floor of the Senate and in the platform of the Democratic Party, against the Republican Party for its treatment of the displaced persons problem, I rise to say that any such criticism or attack is in my judgment thoroughly unfounded.

Mr. BALDWIN. Mr. President, will the Senator yield?

Mr. DONNELL. I yield.

Mr. BALDWIN. Is the junior Senator from Connecticut correct in understanding that when the Eightieth Congress was called back in special session in the summer of 1948, one of the items which the administration placed upon the agenda for that session was the consideration of the displaced persons problem?

Mr. DONNELL. As I recall, the Senator is correct.

Mr. BALDWIN. Can the Senator tell me then why it is that after the present Congress has been in session for nearly 6 months, and in complete control of the party of the administration, there has not been some action on this matter?

Mr. DONNELL. I think an answer to that question is unnecessary. I thank the Senator from Connecticut for presenting the point.

Mr. President, I do not want to stand here and say that the displaced persons' problem has been finally solved. I wish to say, however, that any criticism along partisan lines, on the one hand disclaiming the idea that this is a partisan subject, and on the other hand launching forth into a very clever criticism and denunciation of the Republican Party, is, in my judgment, thoroughly unfounded.

I should like to add that the subcommittee of the Committee on the Judiciary, of which the distinguished former Senator from West Virginia, Mr. Revercomb, was chairman, made an earnest and thorough investigation and study of this entire problem. The Judiciary Committee was then headed by the distinguished senior Senator from Wisconsin [Mr. WILEY].

I realize that the Senator from Michigan, the Senator from Massachusetts, and the Senator from Rhode Island differed with us upon very fundamental questions. We exercised our best judgment. It may well be that that judgment should be the subject of further consideration and revision. But I am very indignant at any attack which is made upon the Republican Party when it had a new problem, one which our country had never faced, and one which the Republican Party faced with vigor, integrity, and industry.

I do not know that I shall agree with the chairman of the Judiciary Committee this year upon every question relative to the displaced persons law. I do not know that I shall disagree with him. We shall consider the subject, and a determination will be made according to the best

judgment of the Judiciary Committee—in the first instance, by the best judgment of the subcommittee.

So far as I know, the present chairman of the Committee on the Judiciary, the distinguished senior Senator from Nevada [Mr. McCARRAN], has never been charged with being a member of the Republican Party. Yet, as the distinguished Senator from North Dakota [Mr. LANGER] stated a few minutes ago, the senior Senator from Nevada, a man of strong democratic beliefs, a vigorous defender of the Democratic Party, rose on the floor of the Senate on the 26th day of April and gave his opinion, which was not a partisan opinion, as I see it. He did not condemn the Republican Party. As I recall, not one word was said by him in his address which even remotely reflected on the Republican Party or the Judiciary Committee under the leadership of the Republican Party last year.

I should like to read a portion of the address of the distinguished Senator from Nevada on this subject, delivered on the floor of the Senate on the 26th day of April. He was referring to the displaced-persons law, the very law which this excerpt from the Democratic Party platform so vigorously criticizes and condemns. What did the distinguished Senator from Nevada, the Democratic chairman of the present Judiciary Committee, have to say on that subject? I read a portion of what he said on the floor of the Senate on the 26th day of April of this year:

> Mr. President, the present law has been falsely criticized as being unjust and discriminatory. Wherein lie the injustices and the discriminations? Although it is charged that the present law discriminates against certain religious groups, official spokesmen for some of these groups have denied that the law discriminates against them. Moreover, the facts immediately dispel this charge.

I digress to say that any Member of the Senate who desires to read the address from which I am now quoting will find it at pages 5042 and following of the CONGRESSIONAL RECORD. I continue with what the distinguished Democratic chairman of the Judiciary Committee said with respect to the displaced-persons law which was enacted by a Republican Congress:

> It is charged that the present law discriminates against persons of the Jewish or Catholic faith. As of March 31, of this year, 44 percent of the displaced persons who have been admitted pursuant to the act have been of the Catholic faith. Thirty-nine percent of the persons admitted pursuant to the act have been of the Jewish faith. Eight and one-half percent of the persons admitted pursuant to the act have been of the Protestant faith, and 8½ percent have been of the Greek Orthodox faith.

Was it improper for the Republican Congress, the Eightieth Congress, to have given consideration to the subject of housing? Has not this Congress itself realized the extremely difficult problem of housing, and the fact that hundreds of thousands, and perhaps millions, of our citizens have experienced great difficulty in obtaining adequate housing, and have often found it impossible?

Is it proper to criticize and condemn the Republican Party because of the fact that the Displaced Persons Act provides that those who desire to come to this country must have assurance, before they will be admitted, that houses will be available for them when they come here? Was it improper, or a matter properly the subject of criticism or condemnation, for provision to be made in the Displaced Persons Act, for the benefit of both the people of the United States and those who would come to the United States, that before such newcomers would be admitted, arrangements for their housing must have been made?

Mr. President, I now return to the statement the Senator from Nevada made on April 26. He said:

> It is charged that the present law, which requires assurances of housing and jobs as a prerequisite to admission, is administratively unworkable.

I see the distinguished Senator from Nevada [Mr. McCARRAN] upon the floor at this time. I should like to have him know that I am quoting now from observations which he made on April 26 with regard to the workings of the Displaced Persons Act.

I may say for his benefit that the charge has been made on the floor of the Senate today, in substance, that the Republican Eightieth Congress should be severely condemned for the displaced persons bill it passed. For the benefit of the Senator from Nevada, I tell him that I have previously stated during the debate today that to my mind the Senator from Nevada has never been accused of being a Republican. So far as I know, he is a Democrat; and by the nodding of his head at this time, I assume he is reaffirming his faith in the party of Thomas Jefferson.

Mr. McCARRAN. Very much so.

Mr. DONNELL. "Very much so," he says.

Yet the Senator from Nevada has never, so far as I know, made any comment to the effect that the Republican Eightieth Congress should be condemned for the Displaced Persons Act, which we have been told, in the debate here today, is a proper basis for condemnation of the Eightieth Congress.

Mr. McCARRAN. Mr. President——

Mr. DONNELL. I yield to the Senator from Nevada.

Mr. McCARRAN. I would not for a moment subscribe to that expression, if it has been made here. I had something to do with the writing of that act. I was a member of the subcommittee, with former Senator Revercomb, of West Virginia. The two of us, together with other Senators, prepared and wrote that act, after long study. I am responsible for certain phases of that act. One was that in view of the fact that we had a shortage of farm labor in the United States, we should look to those in the displaced-persons camps who had an agrarian background, and should screen them and should bring them to this country, so that they could fill the considerable need in the United States for farm labor. In the second place, there was a great shortage of domestic help in the United States. So the second proposition was that we should screen into this country, from the displaced-persons camps, those who had domestic training or a domestic background. We took the position that in that way we would be able to do several things: First of all, we would take out of the displaced-persons camps the persons who should be taken out; and in the second place, we would bring to the United States, labor to fill the considerable need for farm labor and domestic labor. In the third place, by supplying farm labor and domestic labor, we would not displace persons already in the United States from the housing they occupied, because in the farm regions there are greater facilities for housing than there are in the congested centers of the country. In the fourth place, naturally a domestic goes into a home, so no one would be displaced from a house because of the admission of domestics into the United States.

Above all, Mr. President, we had in mind making provision for the protection of American labor. Today American labor needs protection about as much as it has ever needed it, because, if we are correctly informed, today there are 3,000,000 or 4,000,000 unemployed persons in the United States, with great chances, I am sorry to say, that as many as 8,000,000 of the people in the United States will be unemployed between now and the first of next year. If that happens, if 8,000,000 Americans are or may be unemployed, I wonder whether we should bring into our country other persons who now are unemployed, unless we give the matter very careful care and consideration.

I thank the Senator for yielding to me.

Mr. DONNELL. Mr. President, I thank the distinguished Senator from Nevada for the very forthright and clear statement he has just made.

I wish to take this opportunity to pay just a word of tribute to him as a member of the subcommittee to which he has referred. The Senator from Nevada will recall that in the various meetings of the subcommittee, he was vigorous and strong and consistent in the views he asserted. Yet, Mr. President, on the other hand, the Senator from Nevada in the subcommittee meetings which I had an opportunity to attend was entirely reasonable in considering the proposals and suggestions which were made by other members of the subcomittee. I remember very distinctly that the Senator from Nevada constantly indicated his concern over the idea of introducing into this country great numbers of persons who might compete with American labor, great numbers of persons who, according to my recollection at this moment of the subcommittee hearings, might be subjected, if they were admitted to the United States, to poor housing conditions or who would deprive some of our own citizens of housing. I am glad to know, Mr. President, that we had upon that subcommittee, from the Democratic side, the distinguished senior Senator from Nevada [Mr. McCARRAN]; and I pay him this well-justified and well-earned tribute of respect and admiration for his work upon that subcommittee.

I was addressing myself to the point that on the floor of the Senate today an attack has been made upon the Republican Eightieth Congress. I wish to say that I rejoice that our distinguished friend, the Senator from Nevada, has made clear—as I was sure he would if he entered the Chamber at this time—that he does not join in any such criticism or condemnation. I think he has stated admirably and manfully his position.

A moment ago, when the Senator from Nevada requested that I yield to him, I was referring to a sentence to be found in his remarks of April 26, reading as follows:

It is charged that the present law—

The one that is attacked in the Democratic national platform, and has been attacked today on the floor of the Senate—

which requires assurances of housing and jobs as a prerequisite to admission, is administratively unworkable.

The Senator from Nevada has appropriately referred to the importance of seeing to it that, notwithstanding humanitarian impulses, and I do not think any Member of the Senate is lacking in humanitarian impulses—it is important and proper that at the same time we take into consideration the question of whether American labor is being properly safeguarded. In view of the millions of Americans who today are to be found upon the streets, without employment, I say that, even though the Eightieth Congress has been maligned and criticized and condemned from one end of the United States to the other by no less a person than the man who now occupies the position of Chief Executive of the Nation, to my mind the Congress acted wisely in providing in the Displaced Persons Act for some assurance that neither the interests of American labor would be injured nor would the people who came to our country from foreign shores find themselves without housing or jobs.

Mr. McCARRAN. Mr. President——

Mr. DONNELL. I yield to the Senator from Nevada.

Mr. McCARRAN. Let me say that the policy written into that law has proved to be not only satisfactory but salutary, because it has now been stated before the Judiciary Committee by the Chairman of the Displaced Persons Commission that, instead of having 24 months required within which to bring to the United States 205,000 persons from the displaced persons areas, only 19 months will be required. He says that under the program they will come into the United States within 19 months, instead of 24 months; and he says there is no trouble in getting commitments.

Mr. DONNELL. Mr. President, I thank the Senator. I well remember this fact also. The Senator from Connecticut [Mr. BALDWIN] asked whether the subject of displaced persons was one of the matters called to the attention of the special session of the Congress by the President. I responded that I thought it was. My memory has been completely refreshed by the fact that the Senator from Nevada, who I think was detained in Nevada by reason of illness, or by reason of illness that he had had, was unable to be here during the sessions of our subcommittee. I can remember as if it were yesterday that in the session of the subcommittee, in which the chairman, Senator Revercomb, the Senator from Rhode Island, Mr. McGrath, the Senator from Kentucky, Mr. Cooper, and I, a Senator from Missouri, sat, as I remember it, on one day of that special session, we received a telegram from the Senator from Nevada upon very important questions which were then being considered by the subcommittee. I pause to inquire of the Senator from Nevada whether my memory is not correct.

Mr. McCARRAN. The Senator is correct. I was at that time in the hospital at Bethesda, but I was watching the progress of the committee of which I was a member, and as I watched it, I sent word to the committee.

Mr. DONNELL. Mr. President, as I recall, among other things under discussion at that time was the one as to whether the date which was fixed as the final terminal date for the determination of who should be considered a displaced person should be changed from December 22, 1945, to April 21, 1947. If I am not mistaken, among the subjects on which the Senator from Nevada expressed his opinion in a long telegram to the chairman of the subcommittee was the point that there should not be a change in that date, December 22, 1945. Am I correct, may I ask the Senator?

Mr. McCARRAN. The Senator is correct. There was a reason for it. The executive order of December 22, 1945, that brought in certain displaced persons, or rather, that said that quota numbers should be taken from the regular quotas for displaced persons, fixed the date, and the relief organizations in Europe had agreed on the date, because that was a date some 7 or 8 months after the close of the war.

Mr. BALDWIN. Mr. President, will the Senator yield for a question at that point?

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Connecticut?

Mr. DONNELL. I do not want to lose the point for a moment. Will the Senator defer his question for a moment?

Mr. BALDWIN. Yes.

Mr. DONNELL. In regard to the date of December 22, 1945, I am not here upon the floor of the Senate saying that I shall be adamant upon that particular date. If facts shall be shown which necessitate or make vital a change, I hope my mind is sufficiently open at least to be willing to hear the arguments upon it and to consider those arguments. But I may say, Mr. President, that at the time I voted for the displaced persons bill, both when it was originally passed and when motions were presented by the Senator from Michigan [Mr. FERGUSON], the Senator from New Jersey [Mr. SMITH], and I believe, by the Senator from Massachusetts [Mr. SALTONSTALL], I was convinced that the date of December 22, 1945, was the proper date.

The Senator from Nevada has referred to the fact that an executive order was issued as of that date, and that that had a bearing upon the question.

Mr. McCARRAN rose.

Mr. DONNELL. May I ask the Senator to indulge me just a moment? In addition to that point, as I saw the displaced-persons problem, what we were trying to do in the Congress was to enact legislation under which persons who could legitimately claim to be persons who were displaced by the war, which, in Germany, incidentally, had ended in either May or June 1945, might be eligible to admission into this country. I felt that a period of the difference between May or June, as the case may be, and December 22, 1945, was a sufficiently long period to have elapsed in determining who should be considered to have been displaced by war.

I may make that perhaps a little clearer by saying this: The suggestion was made, vigorously and powerfully, upon the floor of the Senate by some of the very distinguished Senators to whom I have referred, upon this side of the political aisle in this body, a motion was made, and it was made again in conference between House and Senate committees, in which conference I had the privilege of participating, that the date should be changed from December 22, 1945, to April 21, 1947, I believe it was, some 16 months after December 1945.

It seemed to me that a person claiming to have been displaced by the war might very properly claim so to have been displaced, if his displacement occurred within 6 or 7 months after the close of the German war. It is equally possible, of course, that some other date might have been selected. But if we should proceed to advance the date from December 22, 1945, to April 1947, there would not be merely a lapse of 6 or 7 months after the conclusion of the war in Germany, but a period of 22 or 23 months would have elapsed. To my mind it was not reasonable to select a date so far removed from the conclusion of the war as the date suggested by Senators who are arguing here today, or who have been arguing, because of two factors: In the first place, there was grave doubt in my mind as to whether persons who did not become displaced until 22 months after the conclusion of the war in Germany could properly be asserted to have been displaced by the war.

Mr. BALDWIN. Mr. President, will the Senator yield?

Mr. DONNELL. May I ask the Senator to indulge me just one moment? In the second place, by advancing the date, what would be the effect upon the persons who were clearly displaced by the war? They were, for instance, in a certain category. I may illustrate it in this way. In my hand there is a book, a rectangle, which represents those who were clearly displaced by the war, during the war, or between the conclusion of the war and the terminal date of December 22, 1945. Every man and woman in that particular category would have a certain mathematical chance of being selected, if he or she filled the qualifications. But suppose that instead of confining to this rectangle the list of persons who would be eligible,

we should add two more rectangles of equal extent. Thus it would appear that each person in the first rectangle would have his chances cut down perhaps to a third of what they were before the date was advanced. So, Mr. President, it seemed to me, and I think it seemed probably to some other members of the committee and to the Senate, that it was fairer to confine the definition of displaced persons to those who clearly came within that term, rather than to dilute the chances of those who were so clearly entitled to consideration by the admission of two or three or four times as many persons into the category, thus reducing, with respect to each individual who was originally entitled, his or her chances of admission to this country.

I now yield to the Senator from Connecticut.

Mr. BALDWIN. The distinguished Senator from Nevada raised the point of how the date was determined. Is the junior Senator from Connecticut correct in believing that the date of December 22, 1945, was a date put into the bill as having come from some executive order with reference to the matter?

Mr. McCARRAN. Mr. President, will the Senator yield so that I may answer that question?

Mr. DONNELL. I yield.

Mr. McCARRAN. There was an executive order issued by the President which directed that a high percentage, which I do not have in mind at the moment, of all those who would be admitted into this country under the quota should be taken from that group of displaced persons who became displaced up to a certain date. That was the date which the committee selected as being the proper date.

Mr. BALDWIN. Mr. President, will the Senator yield for a further question?

Mr. DONNELL. I yield.

Mr. BALDWIN. Did that Executive order predate the passage of the bill?

Mr. McCARRAN. Yes.

Mr. BALDWIN. So that the date of December 22 was fixed as the result of a previous Executive order; is that correct?

Mr. McCARRAN. That is correct. I want to say, in fairness, that the Executive order, or its effect, was terminated prior to the passage of the bill, I think, but it became necessary to adopt that date because the President had seen fit to fix it as a cut-off date beyond which his Executive order should not extend the clemency which was involved in his Executive order.

Mr. BALDWIN. The junior Senator from Connecticut asked that question because he was one who felt that the date ought to have been extended. I do not recall that this particular point was ever raised in the debate. At the time it seemed to me to be a very important point. In other words, the committee selected the date of December 22, taking it from a previously issued Executive order which, presumably, had been issued after an investigation of the facts and recommendations concerning the fixing of the date.

Mr. McCARRAN. As I recall it now, that is correct.

If I may interrupt briefly—I shall have to leave the floor in a moment——

Mr. DONNELL. Certainly.

Mr. McCARRAN. Let me say that other objections have been raised to the presently existing law. One of them was raised by the able Senator from Rhode Island [Mr. McGRATH] who spoke on the floor of the Senate only a few minutes ago, and who stated that the law was discriminatory, that it discriminated against Jews and Catholics. What are the facts? Up to date, according to the record of the Displaced Persons Commission and testified to by witnesses before the Judiciary Committee of the Senate, 39 percent of those who have been brought in under the act were Jews, and 41 percent of those who have been brought in under the act were Catholics——

Mr. DONNELL. Is it not 44 percent?

Mr. McCARRAN. My recollection is that it is 41 percent.

Mr. DONNELL. As of the date of April 26, it was 44 percent.

Mr. McCARRAN. I think the figures are 39 percent, 41 percent, and 8½ percent of Protestant faith and 8½ percent of Greek Orthodox faith. I am quoting the figures from memory.

Mr. DONNELL. May I interrupt the Senator?

Mr. McCARRAN. Certainly.

Mr. DONNELL. I have admiration for the Senator's memory, but he undoubtedly had his manuscript before him when he spoke on April 26, at which time he said:

> It is charged that the present law discriminates against persons of the Jewish or Catholic faith. As of March 31, of this year, 44 percent of the displaced persons who have been admitted pursuant to the act have been of the Catholic faith. Thirty-nine percent of the persons admitted pursuant to the act have been of the Jewish faith. Eight and one-half percent of the persons admitted pursuant to the act have been of the Protestant faith, and 8½ percent have been of the Greek Orthodox faith.

I have added those various percentages, and they total exactly 100 percent.

Mr. McCARRAN. Undoubtedly I was speaking from manuscript when I spoke on the floor at that time, and probably those percentages are correct, but it still runs in my head that the figures are 41 and 39.

Mr. DONNELL. Has there been anything which has changed the Senator's mind, since April 26, as to whether the charge that the Displaced Persons Act discriminates against persons of the Jewish or Catholic faith is well founded?

Mr. McCARRAN. No; certainly not. The figures would refute any attitude of mind I might have along that line.

The objection was raised—if the Senator will permit me for a moment, because I must leave the floor—that the act discriminated against Catholics and Jews because of the demand in the bill that there should be an agrarian background to a certain percentage and a domestic background to a certain percentage, and neither Jews nor Catholics took to those particular vocations. The fact of the matter is that we have been able to get from those vocations, as Mr. Carusi testified, the percentage required in both instances, and yet there has been a higher percentage of the Jewish religion and a higher percentage of the Catholic religion than of any others, which dissipates the argument that something in the act discriminates against those religions.

If I may be so bold, I again invite the attention of the Senator from Missouri to the fact that I had an active hand in the writing of the percentage with reference to the agrarian background and the domestic background. I am a Roman Catholic, so born and reared, and I shall die a Roman Catholic. Certainly I would be the last one in the world to put something into a bill which would discriminate against the religion of my mother.

Mr. DONNELL. I thank the Senator from Nevada for his contribution. I should like to say to him, before he leaves the floor, that I do not want to leave him under the impression that I shall rigidly, necessarily, vote against any amendment to the bill. There may be some amendments which the committee will favor. I do not know. I think my mind is reasonably open. But I want to say that I was in favor of the displaced-persons bill in 1948. If I were to vote upon the proposition again, with the knowledge I had at that time, I would again vote in favor of it.

The question of the Senator from Connecticut as to whether the Executive order of the President preceded the enactment of the displaced-persons bill was, I think, answered both by the Senator from Nevada and by the fact that the Executive order was issued in the year 1945, and the bill was passed in 1948.

Mr. BALDWIN. Mr. President, will the Senator yield for a further question?

Mr. DONNELL. I yield.

Mr. BALDWIN. The junior Senator from Connecticut, at the time the bill was under consideration on the floor, offered an amendment which would have added, as I recall, 15,000 persons to the 200,000 authorized by the bill as it came from the committee. The purpose of the junior Senator from Connecticut was to permit persons who had gotten to the United States under their own power and steam, so to speak, particularly some Estonians, Poles, and others who had the courage of their convictions and the courage to brave the ocean and get here, to be included, even though they had never been in a concentration camp. It is my recollection that the amendment was adopted, but that the number was reduced. Am I correct in that recollection?

Mr. DONNELL. I think the Senator is correct. I should not want to make a positive statement to that effect.

Mr. BALDWIN. Mr. President, will the Senator yield for a further question? The matter is of great interest to the junior Senator from Connecticut, and he is not a member of the committee.

Mr. DONNELL. I yield.

Mr. BALDWIN. In the present deliberations of the committee is provision being made to take care of those persons who come here by providing their own transportation? Some have crossed the ocean in small boats at great risk to their lives and at great discomfort and dan-

ger. Is provision being made for such persons who are already here, albeit, perhaps illegally? It might be said that the Pilgrims came here illegally, because America was a continent belonging to and inhabited by the Indians. Nevertheless, the Pilgrims were strangers and newcomers. It seems to me that those persons who have faced the same kind of danger in these later days are entitled to some consideration. I am very much interested in knowing whether the committee, in its deliberations, is taking that fact into consideration in its proposed amendments to the bill

Mr. DONNELL. Mr. President, I cannot tell the Senator whether the committee has as yet given consideration to that fact. I may say to the Senator that the work to which the Senator from Nevada has referred, the study of the operation of the law, has been carried on, I do not know how much by the Senators themselves, but I do know that there is a staff, and I am very proud of the fact that the head of the staff is a young man, Mr. Richard Arens, who was assocated with me in the office of Governor of the State of Missouri for over 3 years. He is competent, and I have no doubt that his staff is getting the facts together competently.

I was about to say to the Senator that a meeting of the subcommittee was called for last Friday, I think in the afternoon. I was unable to be at the meeting because of the fact that I was on the floor of the Senate engaged at that very moment, I think, or at least approximately that time, in the debate on the labor measure now pending in the Senate. I cannot tell the Senator what was brought up or what was found as having been developed by those who were present at the meeting.

I can assure the Senator that if the point to which he refers is not brought up by someone else, I shall certainly see that the matter is at least brought to the attention of the subcommittee and given onsideration.

Mr. BALDWIN. Mr. President, I express my thanks to the distinguished Senator from Missouri, because I have been particularly interested in this group of people. I am particularly interested in seeing the program continued. It is the recollection of the junior Senator from Connecticut that when this matter was under discussion in 1948 the question was presented as to whether or not we, as Americans, were doing our share, as other nations were doing at that particular time. It seemed to me that England and some of the other countries had already brought into their borders numbers of these displaced persons, and it seemed to the Senator from Connecticut at that time that we, as Americans, certainly ought to fulfill our responsibility in that direction. It seems to the junior Senator from Connecticut now that we should continue to do so.

However, it is absolutely essential that in bringing these people to our shores we make some provision for them, that we do not introduce them into a period of low employment, that we do not have them come here without places to which to go, places where they can work, and homes within which they can live; that we must, for their good, as well as our own, if we are to welcome them here, see to it that there is an American opportunity when they get here.

I am sure that the committee has that matter in mind. I am very hopeful that there will be some action at this session of the Congress on displaced persons legislation because I think it is consistent with our policy of assimilating as many people as we can who are seeking an American way of life, and it certainly should be consistent with our policy to fulfill our obligation with respect to assuming our share, as other nations of the world have done already.

Mr. DONNELL. I thank the Senator. I may say, with respect to the date of December 22, 1945, and the date of April 21, 1947, that whole subject matter was argued in extenso on the floor of the Senate, as doubtless the Senator from Connecticut will recall. There were some objections, and perhaps some legitimate objections, to the date of December 22, 1945. It was pointed out by those who opposed that date that it was impossible, in their opinion, to ascertain just who were actually in the category concerned at the date of December 22, 1945. There may be something to that point.

Mr. President, I wish to say again, however, reverting to the point to which I addressed myself at the outset, that the Eightieth Congress gave consideration to all these questions, the subcommittee did, its members, or those who could, went to Europe and visited the camps, and could tell many an interesting story and many an interesting experience with respect to the persons they saw there.

They came back, and the members of the subcommittee worked hard, the committee worked hard, the Senate worked hard, and the members of the conference committee between the House and the Senate worked hard upon this problem. While there were differences of opinion, I today reiterate that to my mind no just criticism or condemnation can be leveled against the Eightieth Congress because of its action in passing the bill, even though it be found at this time, after study of experiences with the law, that there are amendments which are appropriate to be made to it.

Mr. President, it recalls to my mind that we have been engaged in a study of the labor question, and the Taft-Hartley law. There are those who say that the Taft-Hartley law contained defects. Indeed, the distinguished senior Senator from Ohio [Mr. TAFT], who is upon the floor of the Senate at this moment, and whose name the law bears, has very frankly set forth in a memorandum, to which attention was called upon the floor of the Senate, and which subsequently was distributed to Members of the Senate, numerous points on which in his opinion there should be changes in the Taft-Hartley law. In the same way, there may be changes which should be made in the displaced persons law. To my mind the Senate acted in the best possible way, and it passed the bill, with the light before it.

I do not wish to trespass very long upon the Senate, but I should like to read a little further from what the distinguished Senator from Nevada [Mr. MCCARRAN] said on April 26. The Senator from Nevada is one who, as I have stated, is not a Republican, is a member of the Democratic Party, and I think is proud of his membership in that great party. What did he say, however, about the operation of this law, passed by the Eightieth Congress, in response to the charge that the present law, which requires assurances of housing and jobs as a prerequisite to admission, was administratively unworkable? The Senator from Nevada said on April 26, in this very Chamber:

> The Chairman of the Displaced Persons Commission, however, when recently testifying before a subcommittee of the Senate Committee on the Judiciary, stated that, although the program under the present law did not get under way until October 1948, there are already on file assurances of an aggregate number of 143,000 people. I quote his testimony: "We have no trouble in getting enough assurances. * * * So far as assurances are concerned, we shall receive many more than 205,000; many more. They are coming in at that terrific rate."

Then, continuing, the Senator from Nevada said:

> He further testified to the effect that, notwithstanding the lag in getting the program under way, by the summer months, the flow will be at a rate of 16,000 persons a month, and that the aggregate number provided for under the present law will arrive in the United States within a period of 19 months, instead of within a period of 24 months, as provided in the present law.

The Senator continued:

> The present law has also been unjustly criticized—

Notice the language, "unjustly criticized"—

> The present law has also been unjustly criticized as unfair because it gives a priority of 30 percent to agriculturalists and their families. The facts are, however, that this priority is not only eminently fair to the displaced persons but is justified by the need for agricultural workers in the United States and the desire to direct the displaced persons away from the congested metropolitan areas.
>
> The number of displaced persons within the classification for which a 30-percent priority is given constitutes at least 60 percent of the total of the displaced persons. It is thus seen that a 30-percent priority to agriculturalists and their families is eminently fair. The experience under the present law amply vindicates this provision, for, notwithstanding the present law, over 80 percent of the displaced persons who have thus far been admitted have settled in metropolitan areas.
>
> Another provision of the present law which has been criticized unjustly is that provision which gives a 40-percent priority to persons who have fled from those countries which are now de facto annexed by Communist Russia and who cannot possibly return for fear of their very lives. Here again, Mr. President, at least 40 percent of the displaced persons, by number, are actually in this category of persons for whom the priority has been given, but less than 40 percent of the displaced persons thus far admitted have been persons covered by the priority.

Mr. President, I shall not trespass longer upon the time of the Senate. I

rose today, not to argue about the Displaced Persons law and as to whether there should or should not be amendments made in it, but I rose in protest against the condemnation which upon the floor of the Senate has been gratuitously placed against the Republican Eightieth Congress in its enactment of this law. I have called as my witness to the stand here today not only through his previous words, which are in the CONGRESSIONAL RECORD, but through his voluntary expression on the floor of the Senate today, the Democratic chairman of the present Committee on the Judiciary, the senior Senator from Nevada [Mr. MCCARRAN], who, notwithstanding his political affiliations, notwithstanding his church membership to which he alluded, has stated so eloquently and clearly and firmly and courageously on the floor of the Senate today that he is not leveling such a condemnation against the Eightieth Congress nor is he acceding to those criticisms which have been placed before us.

Yes, I remember the fact that one of our colleagues, the Senator from Rhode Island [Mr. MCGRATH], a member of the subcommittee of the Committee on the Judiciary, rose in this very Chamber and charged that the bill which had been reported by the committee, the subcommittee of which he was a member, would bring about discrimination from a religious standpoint. I do not mean to imply that the Senator from Rhode Island had agreed to the report of the subcommittee or of the full committee, but I want to say that in my judgment, as I sat on the floor of the Senate that day when that debate occurred, there was no basis for the view that either the subcommittee, the full committee, or, in my judgment, the Senate, or the House of Representatives, acted from either personal or political or religious prejudices or purposes.

So, Mr. President, today, while we are hoping that prompt consideration can be given to this whole subject matter, and while I believe it will be given, nevertheless I want to say that I do not share in the condemnation either of the Congress or of its present Committee on the Judiciary. I realize there has been no express condemnation of the Committee on the Judiciary. But the suggestion has been made that the whole subject matter should be taken out of the hands of the Committee on the Judiciary. Mr. President, I do not share in that view.

Mr. BALDWIN. Mr. President, will the Senator yield for a question?

Mr. DONNELL. I yield.

Mr. BALDWIN. The Senator from Missouri alluded to the fact that the full amount of the quota under the existing legislation will be brought into the United States in 19 months. Can the Senator tell me when that 19 months' period will expire?

Mr. DONNELL. I cannot. I do not recall.

Mr. BALDWIN. Can the Senator tell me whether, in order to continue the program, it is absolutely necessary that during the present session of the Congress we adopt some type of displaced persons legislation continuing the quota, whatever it may be, in order that the program may continue?

Mr. DONNELL. I will have to examine the facts, but I am inclined to the view the Senator suggests. I certainly think that the subcommittee, and the full Committee on the Judiciary should give as early consideration to this problem as it is possible for them to give, and to take action upon it.

Mr. BALDWIN. Mr. President, will the Senator again yield?

Mr. DONNELL. I yield.

Mr. BALDWIN. I wish to say that the junior Senator from Connecticut certainly hopes so. As I listened to the remarks of the distinguished junior Senator from Michigan it seemed to me his point was that unless we did something at this session of Congress and did it soon the whole program might collapse.

Mr. DONNELL. Mr. President, I am not able to make answer to that statement. But I can assure the Senator that in my judgment the subcommittee and the full Committee on the Judiciary will certainly take any such fact as that into full consideration in determining the action they respectively should take.

Mr. BALDWIN. I thank the Senator from Missouri.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had agreed to a concurrent resolution (H. Con. Res. 96) authorizing the Clerk of the House, in the enrollment of the bill (H. R. 4332) to amend the National Bank Act and the Bretton Woods Agreements Act, and for other purposes, to make a change, in which it requested the concurrence of the Senate.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were signed by the Vice President:

H. R. 263. An act to authorize the Secretary of the Navy to grant to the county of Orange, Calif., a perpetual easement for the maintenance and operation of a public highway, and to grant to the Irvine Co., a corporation, a perpetual easement for the maintenance, operation, and use of a water pipe line, in the vicinity of the naval air base, Santa Ana, Orange County, Calif.;

H. R. 593. An act for the relief of Hampton Institute;

H. R. 650. An act for the relief of George A. Kirchberger;

H. R. 716. An act for the relief of Mark H. Potter;

H. R. 717. An act for the relief of Groover O'Connell;

H. R. 735. An act for the relief of Phil H. Hubbard;

H. R. 1123. An act for the relief of Mrs. Florence Mayfield;

H. R. 1771. An act relating to loans by Federal agencies for the construction of certain public works;

H. R. 1837. An act to amend the Nationality Act of 1940;

H. R. 1858. An act for the relief of the legal guardian of John Waipa Wilson;

H. R. 1981. An act for the relief of V. O. McMillan and the legal guardian of Carolyn McMillan;

H. R. 2078. An act for the relief of Winston A. Brownie;

H. R. 2353. An act for the relief of Joel W. Atkinson;

H. R. 3311. An act for the relief of Carmen Morales, Aida Morales, and Lydia Cortes;

H. R. 3324. An act for the relief of the estate of the late Anastacio Acosta, and the estate of Domingo Acosta Arizmendi;

H. R. 3444. An act to provide for the collection and publication of cotton statistics;

H. R. 3603. An act for the relief of Michael Palazotta;

H. R. 3992. An act for the relief of J. L. Hitt;

H R. 4392. An act to provide for the payment of compensation to the Swiss Government for losses and damages inflicted on Swiss territory during World War II by United States armed forces in violation of neutral rights, and authorizing appropriations therefor;

H. R. 4516. An act to amend section 312 of the Officer Personnel Act of 1947, as amended, so as to provide for the retention of certain officers of the Medical and Dental Corps of the Navy;

H. R. 4878. An act to authorize certain Government printing, binding, and blank-book work elsewhere than at the Government Printing Office if approved by the Joint Committee on Printing; and

H. J. Res. 276. Joint resolution granting certain extensions of time for tax purposes.

AMENDMENT OF NATIONAL BANK AND BRETTON WOODS AGREEMENTS ACTS—CORRECTION OF ENROLLED BILL

The PRESIDING OFFICER (Mr. SPARKMAN in the chair) laid before the Senate House Concurrent Resolution 96, which was read, as follows:

Resolved by the House of Representatives (the Senate concurring), That the Clerk of the House of Representatives, in the enrollment of the bill (H. R. 4332) entitled "An act to amend the National Bank Act and the Bretton Woods Agreements Act, and for other purposes," is authorized and directed, in the second sentence of section 3 of the act, after the word "act" to insert the word "and."

Mr. LUCAS. Mr. President, I move that the Senate concur in the concurrent resolution.

The motion was agreed to.

PRESENCE IN GALLERY AS GUESTS OF REPRESENTATIVE MACK, OF ILLINOIS, OF 100 SCHOOL CHILDREN

Mr. LUCAS. Mr. President, I desire to take a moment of the Senate's time to point out to the Senate and to the country the very progressive idea and constructive program of a Member of the House of Representatives, namely, PETER F. MACK, JR., of the Twenty-first District of the State of Illinois. On my left in the gallery are 100 school children whom Representative MACK has brought from the State of Illinois at his own expense to be his guests in the Capital for several days. These youngsters, who are enjoying their first trip to the city of Washington, are having a most enjoyable and educational experience.

I take this opportunity to congratulate Representative MACK on the opportunity he is giving to the youth of his district to learn the workings of their Government. It so happens that my county, Mason County, Ill., is in the Twenty-first District. Some school children from that county are in the group of fine young people now in the gallery.

NATIONAL LABOR RELATIONS ACT OF 1949

The Senate resumed the consideration of the bill (S. 249) to diminish the causes of labor disputes burdening or obstructing interstate and foreign commerce, and for other purposes.

The PRESIDING OFFICER (Mr. KERR in the chair). The question is on agreeing to the amendment of the Senator from Oregon [Mr. MORSE] to title III of the substitute of the Senator from Utah [Mr. THOMAS].

Mr. MORSE obtained the floor.

Mr. BALDWIN. Mr. President, will the Senator yield so I may suggest the absence of a quorum?

Mr. MORSE. I yield.

Mr. BALDWIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Aiken	Hickenlooper	Maybank
Anderson	Hill	Miller
Baldwin	Hoey	Millikin
Brewster	Holland	Morse
Bricker	Humphrey	Mundt
Bridges	Hunt	Murray
Butler	Ives	Myers
Byrd	Jenner	Neely
Cain	Johnson, Colo.	O'Mahoney
Capehart	Johnson, Tex.	Pepper
Chapman	Johnston, S. C.	Reed
Chavez	Kefauver	Robertson
Connally	Kem	Russell
Cordon	Kerr	Schoeppel
Donnell	Kilgore	Smith, Maine
Douglas	Knowland	Sparkman
Downey	Langer	Taft
Eastland	Long	Taylor
Ferguson	Lucas	Thomas, Okla.
Flanders	McCarran	Thomas, Utah
Frear	McCarthy	Thye
Fulbright	McClellan	Tobey
George	McFarland	Tydings
Gillette	McGrath	Vandenberg
Graham	McKellar	Watkins
Green	McMahon	Wiley
Gurney	Magnuson	Williams
Hayden	Malone	Withers
Hendrickson	Martin	Young

The PRESIDING OFFICER (Mr. DOUGLAS in the chair). A quorum is present.

The question is on agreeing to the amendment offered by the Senator from Oregon [Mr. MORSE] to title III of the so-called Thomas substitute.

Mr. MORSE. Mr. President, I wish to take 2 or 3 minutes very briefly to describe the Morse amendment now pending before the Senate, and upon which I hope we can have an immediate vote.

The Morse amendment provides, in the case of national emergency disputes, for a Presidential proclamation; the appointment of an Emergency Board with the power and the obligation to render a decision; the laying of the case before the Congress in the event that the President finds that there is threatened or is in fact a stoppage of work which endangers national health and safety, with the right to make such recommendations as he sees fit in respect to the merits of the case, including the recommendation of seizure; the opportunity on the part of the Congress within a 10-day period to disapprove of the seizure recommendation if in the judgment of the Congress the facts do not merit seizure; the opportunity on the part of the President, in the absence of a rejection of seizure by the Congress, to place the seizure in the hands of an appropriate Government department or agency; the discretionary right on the part of the Government agency to apply during the period of Government seizure terms with respect to wages, hours, and working conditions, in conformity with the findings of the Emergency Board; the requirement that the Norris-LaGuardia Act shall apply to the Government during the period of Government seizure, save and except when the Congress, by concurrent resolution, specifically excepts that particular case from the operation of the Norris-LaGuardia Act; the provision about which my friend from Minnesota [Mr. THYE] asked a question earlier in the day, that during this whole period the Federal Mediation and Conciliation Service shall continue its best efforts, along with the Emergency Board, to bring the parties together on a reasoned collective-bargaining settlement of their differences; and the provision—the last one which I shall stress—that after the completion of Government seizure, when the question arises as to what compensation shall be paid the employer for the use of his property during the period of Government seizure, the Compensation Board shall take into account the findings and recommendations of the Emergency Board, including the Emergency Board's determination as to what party was at fault in the dispute in the first instance.

Thus, to use the hypothetical case upon which I commented yesterday, if the facts disclose that the employer was not in fact at fault, but the union was, the employer would be entitled, in the determination of the compensation, to a full return for the use of his property. In other words, he would get profits over and above so-called fair compensation for the use of his property, which I think is very important in order to make perfectly clear that the union, when it is at fault, will not succeed in the strategy of forcing Government seizure to the financial detriment and loss of the employer. Conversely, when the employer might think, as a matter of strategy, that it would be to his advantage to force Government seizure, labor will be protected in that the hours, wages, and working conditions as found by the Emergency Board may be put into operation by the Government.

Those are the essential features of my amendment. I think opinion has pretty well crystallized one way or the other on it. I recommend it to the Senate as a sound, middle-course action to be taken in the settlement of emergency disputes. I particularly recommend it to my party, because I think it makes perfectly clear that if we adopt my amendment the Republican Party holds fast to the provisions of the Norris-LaGuardia Act and makes clear to American labor that the Republican Party does not stand for the weakening of a great piece of labor legislation which was enacted by the Congress under Republican leadership years ago.

Mr. President, unless there are questions, I am ready to have my amendment come to a vote. I have checked with a sufficient number of my colleagues on a request for the courtesy of the yeas and nays. I am satisfied that the request will be granted, but in order to get it behind us, I now ask for the yeas and nays.

The yeas and nays were ordered.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. TAFT. Section 304 (d) of the Senator's amendment provides as follows:

(d) Whenever any enterprise is in the possession of the United States under this section, it shall be the duty of any labor organization of which any employees who have been employed in the operation of such enterprise are members, and of the officers of such labor organization, to seek in good faith to induce such employees to refrain from a stoppage of work and not to engage in any strike, slow-down, or other concerted refusal to work, or stoppage of work, and if such stoppage of work has occurred, to seek in good faith to induce such employees to return to work and not to engage in any strike, slow-down, or other concerted refusal to work or stoppage of work while such enterprise is in the possession of the United States.

(e) During the period in which possession of any enterprise has been taken by the United States under this section, the employer or employees or their duly designated representatives and the representatives of the employees in such enterprise shall be obligated to continue collective bargaining for the purpose of settling the issues in the dispute between them.

Under that provision, or even perhaps without that provision in the act, if the United States took possession, I wonder whether there would not be ground for an injunction against a strike by employees.

Mr. MORSE. I say to my good friend the Senator from Ohio that under my amendment I do not think there would be any basis whatsoever for an injunction, unless it was found that the facts of the case came within the Norris-LaGuardia Act, so that that act applied. If the court found that the facts existing in the case came within the framework of the Norris-LaGuardia Act, then the Norris-LaGuardia Act would be applicable. In the second place, it should be observed that the Norris-LaGuardia Act would be applicable unless the Congress by concurrent resolution decided that a particular case should be exempted from the Norris-LaGuardia Act, and should be subjected to the injunctive process.

Mr. TAFT. Mr. President, will the Senator yield again?

Mr. MORSE. I yield.

Mr. TAFT. As I read the United Mine Workers case, the Norris-LaGuardia Act does not apply to an injunction sought by the Government against its own employees. But when the Government has taken possession, why is not the United Mine Workers case authority for the proposition that an injunction can be sought in such case, free from the application of the Norris-LaGuardia Act?

Mr. MORSE. I say that I am satisfied that once the Supreme Court has the benefit of having before it my amendment to show the clear congressional declaration and intent, it will be very

difficult for the Supreme Court to take the position that an injunction could be issued in the absence of a concurrent resolution by the Congress.

Mr. TAFT. I thank the Senator.

Mr. President, I wish to speak very briefly in opposition to the amendment.

The Senator from Oregon has had very wide experience in labor-management relations, and I think his amendment is very well drawn and very ingenious. My difficulty with it is that it seems to me to go very much farther toward compulsory arbitration by the Government than I am willing to go. The provision of the amendment is very definitely that the President may ask for seizure, and that if the Congress does not disapprove in 10 days, the President can seize the plant. So the amendment is first a seizure amendment.

Then the amendment provides that a board is to be appointed, and is to be directed to find the facts. There is a rather definite provision that the status quo, as to wages, working conditions, and so forth, shall be maintained, except in conformity with the recommendations of the emergency board or in conformity with a concurrent resolution of the Congress, under which the wages may be changed by the board, temporarily at least; and that would change the status quo, thus giving a strong Government backing to the new wage rate.

In effect, the amendment would permit the Government to put into effect the decision of the board, at least partially; and therefore it seems to me that, in effect, the amendment would amount to compulsory arbitration.

If the employer does not agree, then under section 301 (c), relative to the determination of just compensation, the employer may well be penalized in the compensation he receives for the property which has been seized from him.

The Senator from Oregon is fair; his amendment also exercises some coercion against the labor unions, to see that they agree to the decision.

It may be that ultimately, in the final analysis, after everything else has broken down, we may get to something like compulsory arbitration. In a particular emergency, I do not know that I would object to it.

I must admit that the Senator from Oregon has worked out the machinery very cleverly, I think. But I do not believe his amendment should go into a law which in my opinion should be confined to maintaining the status quo for 60 days while efforts are made to mediate, and perhaps to use the force of public opinion, but not to the extent of actually trying to force a Government decision on the two parties.

Therefore, although I say I have some sympathy with the proposal, I believe I shall vote against the amendment of the Senator from Oregon.

Mr. THOMAS of Utah. Mr. President, I trust that the Senate will reject this amendment. Like the Senator from Ohio, I believe there is much in the amendment that is worthwhile for a particular case. However, the amendment attempts to anticipate definitely what might happen in a national emergency, and to bring Congress into the picture on almost an administrative level, although I do not say it would be on entirely an administrative level. So it seems to me that the amendment is primarily an invitation to the Congress to administer the law and to act as the executive, and might well bring the Congress into the field of administrative law.

The reason for the amendment is apparent and plain, namely, that certain Senators have little faith in what may be called the President's inherent powers, so they wish to prescribe the things the President must do in industry-labor relations.

Mr. President, in the field of industry-labor relations, we did not have emergency-situation provisions in the law until 1947. Yet we got along fairly well up to that time. Certainly I do not need to assume that future Presidents will not meet the situations confronting them in about the same way that past Presidents have met the problems with which they have been faced. For the sake of thinking this problem through on the basis of the principal constitutional questions involved, I believe we should realize that when Washington acted in the Whisky Rebellion, he was acting in an emergency way. The powers for what he did were not prescribed, but the American people supported what he did. When Jefferson acted in regard to the Louisiana Purchase, his powers were not prescribed, but the people of the United States supported what he did, and I think everyone has generally decided that he acted properly. When Tyler as President of the United States wished to modify the scheme in regard to the veto power, there were no prescribed powers for his action, but what he did has been subscribed to by other Presidents since his time. So, throughout our Nation's history, Presidents who have been considered wise and great have used powers which the American people have sustained.

Mr. President, I have no fear of our constitutional way of functioning, and I think future Presidents will meet the situations confronting them in much the same way that past Presidents have met the problems they have faced.

I trust the amendment will be rejected.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Oregon [Mr. MORSE] to title III of the so-called Thomas substitute.

On this question, the yeas and nays have been ordered, and the Secretary will call the roll.

The roll was called.

Mr. MYERS. I announce that the Senator from Louisiana [Mr. ELLENDER] is absent by leave of the Senate on official business, having been appointed an adviser to the delegation of the United States of America, to the second World Health Organization Assembly, which is meeting at Rome, Italy.

The Senator from Maryland [Mr. O'CONOR] is absent on official business, having been appointed a delegate to the International Labor Conference at Geneva, Switzerland.

The Senator from Mississippi [Mr. STENNIS] is absent because of illness.

The Senator from New York [Mr. WAGNER] is necessarily absent.

I announce further that if present and voting, the Senator from Louisiana [Mr. ELLENDER] and the Senator from New York [Mr. WAGNER] would vote "nay."

Mr. TAFT. I announce that the Senator from Montana [Mr. ECTON] is absent on official business.

The Senator from New Jersey [Mr. SMITH] is absent because of illness. If present and voting, the Senator from New Jersey would vote "nay."

The Senator from Nebraska [Mr. WHERRY] is necessarily absent. If present and voting, the Senator from Nebraska would vote "nay."

The senior Senator from Massachusetts [Mr. SALTONSTALL] and the junior Senator from Massachusetts [Mr. LODGE] are necessarily absent. If present and voting, the senior Senator from Massachusetts [Mr. SALTONSTALL] would vote "nay."

The Senator from Pennsylvania [Mr. MARTIN] is detained on official business. If present and voting, the Senator from Pennsylvania would vote "nay."

The result was announced—yeas 9, nays 77, as follows:

YEAS—9

Graham	Johnson, Colo.	Morse
Hendrickson	Long	Tobey
Ives	McCarthy	Withers

NAYS—77

Aiken	Hayden	Miller
Anderson	Hickenlooper	Millikin
Baldwin	Hill	Mundt
Brewster	Hoey	Murray
Bricker	Holland	Myers
Bridges	Humphrey	Neely
Butler	Hunt	O'Mahoney
Byrd	Jenner	Pepper
Cain	Johnson, Tex.	Reed
Capehart	Johnston, S. C.	Robertson
Chapman	Kefauver	Russell
Chavez	Kem	Schoeppel
Connally	Kerr	Smith, Maine
Cordon	Kilgore	Sparkman
Donnell	Knowland	Taft
Douglas	Langer	Taylor
Downey	Lucas	Thomas, Okla.
Eastland	McCarran	Thomas, Utah
Ferguson	McClellan	Thye
Flanders	McFarland	Tydings
Frear	McGrath	Vandenberg
Fulbright	McKellar	Watkins
George	McMahon	Wiley
Gillette	Magnuson	Williams
Green	Malone	Young
Gurney	Maybank	

NOT VOTING—10

Ecton	O'Conor	Wagner
Ellender	Saltonstall	Wherry
Lodge	Smith, N. J.	
Martin	Stennis	

So Mr. MORSE's amendment was rejected.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had severally agreed to the amendment of the Senate to the following bills of the House:

H. R. 750. An act for the relief of Lee F. Bertucciolo;

H. R. 2709. An act for the relief of Sadac Aoki; and

H. R. 3458. An act for the relief of Celeste Iris Maeda.

The message also announced that the House further insisted upon its disagreement to Senate amendments numbered 5, 6, and 7 to the bill (H. R. 3083) making appropriations for the Treasury and Post Office Departments and funds avail-

able for the Export-Import Bank and the Reconstruction Finance Corporation for the fiscal year ending June 30, 1950, and for other purposes; agreed to the further conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. GARY, Mr. FERNANDEZ, Mr. PASSMAN, Mr. CANNON, Mr. CANFIELD, and Mr. COUDERT were appointed managers on the part of the House at the conference.

The message further announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 4754) to simplify the procurement, utilization, and disposal of Government property, to reorganize certain agencies of the Government, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. DAWSON, Mr. HOLIFIELD, Mr. BURNSIDE, Mr. RIEHLMAN, and Mr. HARVEY were appointed managers on the part of the House at the conference.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 1794. An act to repeal certain obsolete provisions of law relating to the naval service; and

H. R. 4332. An act to amend the National Bank Act and the Bretton-Woods Agreements Act, and for other purposes.

NATIONAL LABOR RELATIONS ACT OF 1949

The Senate resumed the consideration of the bill (S. 249) to diminish the causes of labor disputes burdening or obstructing interstate and foreign commerce, and for other purposes.

The VICE PRESIDENT. The question recurs on the amendment of the Senator from Illinois [Mr. DOUGLAS] and other Senators to the substitute offered by the Senator from Ohio [Mr. TAFT] for title III of the Thomas bill.

Mr. DOUGLAS. Mr. President, on behalf of the Senator from Vermont [Mr. AIKEN] and myself, I wish to withdraw, at least temporarily, the amendment to the substitute offered by the Senator from Ohio.

The VICE PRESIDENT. The amendment is withdrawn.

Mr. LUCAS. Mr. President, I offer an amendment to the Taft substitute, and ask that it be read.

The VICE PRESIDENT. The clerk will state the amendment offered by the Senator from Illinois.

The LEGISLATIVE CLERK. On page 4, beginning at line 22 and ending at line 23, it is proposed to strike out "to enjoin such strike or lock-out or the continuing thereof or."

On page 5, at line 1, strike out "or both."

On page 5, beginning at line 10 and ending at line 11, strike out "to enjoin any such strike or lock-out, or the continuing thereof or."

On page 5, at line 14, strike out "or both."

On page 6, beginning at line 1 and ending at line 4, strike out:

(b) In any case, the provisions of the act of March 23, 1932, entitled "An act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes," shall not be applicable.

On page 6, at line 5, strike out "(c) The order or orders" and insert "(b) Action."

On page 6, beginning at line 10 and ending at line 13, strike out "issued an order under section 304 enjoining acts or practices which imperil or threaten to imperil the national health or safety or."

On page 6, at line 15, strike out "giving rise to such order."

On page 6, beginning at line 20 and ending at line 21, strike out "discharge the injunction and."

On page 6, at line 23, strike out "and the injunction discharged."

The VICE PRESIDENT. The Chair understands that the Senator from Illinois offers the amendments as a single amendment affecting the injunction provision in the Taft substitute, and they are to be considered as one amendment.

Mr. LUCAS. That is correct.

Mr. President, this amendment speaks for itself and it is not difficult to understand. There are no technical difficulties about it; there are no dire implications about it; there is nothing about it as to which the courts might be divided in the event it should ever reach a court. The amendment simply goes to the core of the emergency provision of the Taft substitute, which is the injunction. It strikes out every word, every line, and every paragraph in the Taft substitute dealing with the crucial issue in this controversial question, which is the injunction.

During the past 6 years the Congress of the United States has been seeking an effective legislative solution to the problem, to find a way to stop strikes in what is known as a national emergency. A variety of plans and procedures have been suggested. The first one which was adopted was back in war times, when we passed the Smith-Connally Act. As I recall, the Smith-Connally Act was an implementation of section 9 of the Selective Service Act, dealing with seizure. What we attempted to do at that time was to keep in production our effective war weapons without a strike or a lock-out.

Following that, in 1947 Congress passed what is known as the Taft-Hartley law, which is the law of the land at this time.

I said a moment ago that the core of the emergency program in the Taft-Hartley Act is the injunction. I say that for the reason that it is the only device under the machinery of the amendment whereby a waiting period can be secured. Boards of inquiry, waiting periods, reports to the President and to the Congress, indeed all sorts of elaborate machinery are established around the device of injunction. I want the Senate to remember what I am now saying with respect to the application of the injunction to the waiting period, which is 80 days under the present law and 60 days under the Taft substitute for the Thomas bill. The act permits an injunction after an initial report by a board of inquiry to the President of the United States. After the board of inquiry makes its report to the President of the United States, an injunction can be issued upon the request of the Attorney General, and not before that time. The moment this temporary injunction——

Mr. DONNELL. Mr. President, will the Senator yield for a question?

Mr. LUCAS. I should like to finish. I do not want to start a long series of questions. But I yield to the Senator from Missouri.

Mr. DONNELL. I understood the Senator to say that an injunction issued upon request of the Attorney General. Is it not a fact that although the Attorney General is the one who petitions the court, the injunctions issues only if the court shall find that the threatened or actual strike or lock-out affects the national health or safety?

Mr. LUCAS. That is correct.

Mr. DONNELL. Is it not true that under the Taft-Hartley law an injunction is issued only if the court finds that the facts justify it?

Mr. LUCAS. The Senator is correct. But, at the same time, it is the Attorney General who sets in motion the machinery for action.

Mr. DONNELL. That is certainly true; but the injunction does not issue simply upon the request of the Attorney General.

Mr. LUCAS. No; I agree with the Senator as to that. The power of the Federal court, the moment a temporary injunction is issued by the court, upon the request of the Attorney General, to enforce, under penalty of contempt of court, a requirement that the parties continue or resume operations during a pending settlement of the dispute, becomes an extremely important question affecting honest, faithful, collective bargaining upon the part of all parties to the dispute. Why do I say that? Mr. President, it is common knowledge that time is of the essence to the union or to the laboring men in a labor dispute wherein resort to economic force becomes the only available means for breaking a deadlock in negotiations. At the moment an injunction is issued, the strong arm of the court intervenes and helps to break the strike. The strike be broken without the collective bargaining which is now understood to be the law not only under the Taft-Hartley Act, but, better still, under the amendment offered by the able Senator from Alabama [Mr. HILL], which, in my judgment, does much more in the way of mutuality of collective bargaining by the parties to a dispute than has ever before been achieved.

Under the present Taft-Hartley Act there are certain rigid standards laid down with respect to bargaining around the table. Under the Hill amendment, which has been adopted by the Senate, individuals for the first time in the history of real collective bargaining are able to sit around the table and discuss and dispute without the slightest question of being haled before the National Labor Relations Board because they may have violated some act while the discussion is proceeding around the table in good faith. Under the Hill amendment all parties must in good faith honestly bargain around the table. No employer,

no labor union leader, will have an advantage if the Hill amendment shall become the law of the land.

Mr. President, where a temporary injunction has been issued, if workers resist a court order in any way, they are subject, as I said before, to fine for contempt. I undertake to say once more, I reiterate, that the moment the law steps in and places its strong arm on the parties in a way of a temporary injunction, just that moment honest collective bargaining around the table ceases; collective bargaining breaks down, and as a practical matter the equivalent of individual bargaining takes place.

The question of injunctions has been reviewed over and over again by distinguished and able Members of this body as injunctions issued prior to 1932, when the Norris-LaGuardia Act became the law of the land. I shall not burden the Senate by going over what happened prior to that time, other than to say that every Senator knows that prior to 1932 we had in this country government by injunction. We know how notorious injunctions became, so far as the laboring man was concerned, and how difficut it was previous to that time for a union or a laboring man to get equity and justice and fairness in the courts of the land. Everyone recognized that, and it was under a Republican administration, with the great George Norris leading the way in the Senate, and Fiorello LaGuardia leading the way in the House, that the act was passed which provided that unions would not be subject to injunctions in labor disputes.

That was the law of the land until about 2 years ago, when another Republican Congress repealed in part what the Republican Congress did in 1932.

It seems to me, Mr. President, that the Taft-Hartley law went too far. I think that is admitted at the present time by even its author himself.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. LUCAS. I yield to the Senator from Ohio.

Mr. TAFT. I have no admission to make about this particular national emergency section going too far. It seems to me there are some corrections to be made, but I do not think it went too far in any respect in this particular, and I have not said so at any time.

Mr. LUCAS. I am glad the Senator says there are some corrections to be made. He is thinking in the direction in which I am thinking, at least.

I undertake to say that the Senator from Ohio has made an admission that the injunction section of the Taft-Hartley Act has failed, and I will tell the Senate why I make that statement. In the present Taft substitute the distinguished Senator from Ohio has not only repeated what he said in 1947 some 2 years ago, he has also said that in addition to the injunction he wants seizure.

Mr. President, if that is not a confession of weakness on the part of the injunction process, as has been found to be the case during the past 2 years of experience under the Taft-Hartley Act, then I have failed to understand why it was that the question of seizure has been brought in to bolster up or take something away from the injunction features of the Taft-Hartley provisions as they are operating at the present time.

Mr. President, I shall not dwell further upon what happened prior to 1932, but in my judgment the Taft-Hartley Act went too far 2 years ago when it was passed, and the fact that the Senator from Ohio has admitted that some 28 corrections should be made in the Taft-Hartley Act is a pretty good indication that Congress did go too far when it passed that law.

Now, what is the middle-of-the-road approach? The middle-of-the-road approach has been laid down by the Thomas bill, plus the amendments which have been offered on the floor of the Senate—the mutuality of collective bargaining amendment, the free speech amendment, the amendment dealing with financial reports of both labor unions and management, and the non-Communist, non-Fascist affidavit amendment.

Mr. President, if the Senate will strike out the injunction provision of the substitute offered by the Senator from Ohio, leaving the seizure provision as it exists in his amendment, in my judgment we will have gone down the middle of the road, doing the very things which should be done, in other words, taking something from labor, taking something from management, and doing something with which the country as a whole will be satisfied.

In my judgment, Mr. President, it is to the public interest that the injunction feature be defeated. It is to the public interest that we adopt the amendments which have been offered by the group of Senators on both sides of the aisle. It is to the public interest, in view of the fact that the Senator from Ohio admits that he went too far 2 years ago, in a number of concessions which have been made, that the Senate adopt the amendment I have offered and defeat the injunction features which are found in the Taft substitute.

Mr. TYDINGS. Mr. President, will the Senator from Illinois yield?

Mr. LUCAS. I yield to the Senator from Maryland.

Mr. TYDINGS. May I ask the able Senator from Illinois whether, in the event his amendment shall be adopted, the seizure provision will remain in the Taft substitute?

Mr. LUCAS. The Senator is absolutely correct. My amendment does not touch any part of the seizure provision of the Taft substitute. All it does is to strike out everything concerning injunctions.

Mr. TYDINGS. Does the Senator feel that the seizure provision of the Taft proposal is not dissimilar to the seizure proposal offered by the colleague of the Senator, the junior Senator from Illinois [Mr. DOUGLAS]?

Mr. LUCAS. We have discussed that, and I think the junior Senator from Illinois will agree with me that there is not enough difference between the two even to justify offering his as a substitute for the Taft amendment dealing with the seizure provision.

Mr. TYDINGS. Mr. President, will the Senator yield for a further question?

Mr. LUCAS. I yield.

Mr. TYDINGS. Should the proposal offered by the able Senator from Illinois be adopted, then in the event of a national emergency or a threatened national emergency the President would have, under certain circumstances, if he desired to use it, the power to seize and operate the plant?

Mr. LUCAS. The Senator is correct.

Mr. DONNELL. Mr. President, will the Senator yield?

Mr. LUCAS. I yield to the Senator from Missouri.

Mr. DONNELL. I understand the Senator from Illinois to indicate that the seizure provision of the Taft amendment and that of the amendment of the Senator from Illinois [Mr. DOUGLAS] are substantially the same in effect. Is that correct?

Mr. LUCAS. I have analyzed the two amendments, and it is my opinion that there is no great fundamental difference between the two. I would rather have my colleague from Illinois [Mr. DOUGLAS] or the Senator from Vermont [Mr. AIKEN], who are the authors of that amendment, discuss that question, if the Senator from Missouri feels that there is any serious fundamental difference.

Mr. DONNELL. The point I want to address to the Senator by my question is this: The Senator from Illinois [Mr. DOUGLAS] and also the Senator from Vermont [Mr. AIKEN] stated here, in fact asserted, I should say, affirmatively, or certainly conceded on the floor of the Senate, that under their amendment injunctions would lie, because of the fact that the Government takes possession under their seizure provision. Does not the senior Senator from Illinois, who is now on his feet, agree that that is the effect of the Douglas-Aiken amendment; and therefore does he not agree that if we strike out what he now asks be stricken out of the Taft amendment, the legal effect will still be that injunction can be secured, in view of the admissions the Senator from Illinois and the Senator from Vermont have made with respect to their amendment?

Mr. LUCAS. I do not think there is any question that injunction is incidental to the Douglas seizure provision. That has been agreed to over and over again on the floor of the Senate. Certainly there is no question about the injunction being proper under the seizure provision offered by the Senator from Ohio.

Mr. DONNELL. Mr. President, will the Senator yield further?

Mr. LUCAS. I yield.

Mr. DONNELL. That is to say, Mr. President, the senior Senator from Illinois, as I understand, concedes therefore that although he is attacking and seeking to strike from the Taft amendment all provisions for injunction, nevertheless after he has gotten through striking them out, the provision for injunction still remains implied in the Taft amendment, and could be asserted in full force and effect?

Mr. LUCAS. I will say that the procedure under the two amendments is entirely different, and the Senator knows the procedure is entirely different. There is a difference between the Taft injunction feature and the Douglas seizure feature.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. LUCAS. I yield to my colleague.

Mr. DOUGLAS. I should like to ask my colleague from Illinois if it is not true that when the Lucas amendment is put to a vote the issue will then be directly between those who believe in getting injunctions to send men back to work for private employers, and on the other hand those who do not; and those who vote against the Lucas amendment will be voting for the injunction to send men back to work for private employers; is not that true?

Mr. LUCAS. My colleague from Illinois is correct, and he has made the distinction clear in the debates over and over again on that question. I contend that the distinction is a vital one, and one which cannot be overlooked, and one which we are not overlooking in this debate.

Mr. DOUGLAS. Mr. President, will my colleague yield further?

Mr. LUCAS. I yield.

Mr. DOUGLAS. Is it not also true that if the Lucas amendment should be adopted, with the seizure provisions in the Taft substitute still included, if anyone then objects to the seizure provisions in the Taft substitute he can at that time vote against those provisions, and that the issue of seizure need not be brought in at this moment to confuse and muddle the discussion? At the moment the issue is whether we are for injunctions or whether we are against them—the question of seizure can be treated later.

Mr. LUCAS. The junior Senator from Illinois is absolutely correct.

When I began the present debate I made the reservation that I was not going to be dragged off this trail into the seizure proposition, because, after all, the sole issue before the United States Senate is very clear. As I said before, it is whether or not we are for the injunction or whether we are against the injunction as provided for in the Taft substitute.

Following what my distinguished colleague has said, I should like to make this statement: It is true, of course, that the injunction was not placed directly in the hands of private employers, but under the Taft-Hartley Act the Federal Government has been forced to underwrite the private employer by securing an injunction for him while the enterprise remains in private hands. That is the exact effect of the 80-day injunction under the emergency provisions of the act.

It is my contention that during the 80 days there is no cooling-off period. During the 80 days there is a warming-up period, if you please, instead of a cooling-off period, as I see the situation. In other words, at the end of 80 days there is absolutely nothing the Government can do with respect to an injunction in order to keep men working and keeping the plant operating. After the 80 days have passed we are right back where we started.

I agree with the Senator from Ohio who said the other day that there is no answer to the question of what is a proper legislative act to control national emergencies. But insofar as the injunction feature is concerned, that is the one thing that should go out of this bill. Let us go back, if necessary, and adopt the Taft seizure provision, which would do probably as much good and perhaps more, insofar as public relations are concerned between labor and management, and insofar as the public interest as a whole is concerned.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. MORSE. I should like to say, prefatory to my question, that the junior Senator from Illinois has, as usual, made another very fine contribution to the debate. I think he is quite right. The question as presented will give us an opportunity to vote on whether or not we favor the injunction. But I do not think, may I say with great respect to the junior Senator from Illinois, that the alternative is quite as black or white as he points out. It does give us a chance, if we vote for the Lucas amendment, to register once again our opposition to the injunction concept. But I think we need to keep in mind that we cannot eliminate, as the Senator from Illinois, as I understand him, would have us eliminate, from our consideration when we cast our vote, the effect of the retention of seizure. We had better recognize when we vote on the Lucas amendment, that those of us who are against injunctions will register our protest against the use of injunctions for this period of time, as the junior Senator from Illinois says, in respect to those cases where the injunction might be obtained to send men back to work for private employers. But the evil of the injunction, I say, is still as serious when we are dealing with a Government seizure in a fact situation, where an employer, through strategy, has been able to get a seizure in order to have the Government on his side of the table, knowing that his chances then are pretty good to secure an automatic injunction.

I may say to the senior Senator from Illinois, that so long as the seizure is retained, unless some such safeguards are put around it as those for which I pleaded in vain in the Senate, there is no way of preventing the Government from obtaining an injunction, under the United Mine Workers case. So when Senators vote on the amendment of the Senator from Illinois they are voting against injunctions only as to certain types of cases. Let us recognize that the Senator's amendment itself carries along with it injunctions under Government seizure.

Mr. DOUGLAS. Mr. President, will my colleague yield?

Mr. LUCAS. I yield.

Mr. DOUGLAS. I hope my colleague will permit me to say in reply to the Senator from Oregon that after we knock the injunction features out of the Taft proposal, then he can knock out the seizure proposals. But let us take one step at a time.

Mr. MORSE. Will the Senator support me?

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. LUCAS. In a moment. I think in further answer to the Senator from Oregon I should say that, once injunctions have been removed from the Taft amendment, we will have an opportunity to do what he says when we vote finally on the Taft amendment as against the original Thomas bill.

I now yield to the Senator from Florida.

Mr. PEPPER. Mr. President, the arguments made by the able Senators from Missouri and Oregon with respect to injunction inevitably following, do not necessarily apply in the case of the Taft amendment, as I see it, if the seizure provision should be retained in it. I hope that once we get rid of the injunction, we may get rid of seizure and go back to the Thomas bill. Let it be remembered that in the coal case there was not only seizure by the Government under a statute which permitted seizure, but there was also a contract which had not expired, and the Court found that the contract had not expired. So it can be said, in a way, that the breach of a contract was effectively enjoined.

The breach-of-contract principle would not apply if the workers simply did not resume work at the expiration of a contract—for example, at the end of the contract year. So the principle of the coal case does not mean that it inevitably follows that there is an injunction under the Taft type of seizure, if the express injunction permitted is stricken.

When the Attorney General gave his opinion to the committee that in case of national emergency the President had the power of seeking an injunction in the courts, he made reference to the language in the Thomas bill, which, after the Presidential proclamation, makes it the duty of the workers not to cease work, or, if they have ceased work, to resume work. There is a statutory provision by the Congress defining a duty. The Attorney General thought, as I interpreted his opinion, that the Court might well be resorted to by the Chief Executive in the instance of a national crisis, to require the performance of a duty imposed by law.

There is no such duty imposed in the Taft substitute, so it does not at all follow that inevitably there is an injunction. In fact, I think the contrary is the effect. If we strike out the express power to seek an injunction under the Taft amendment, it makes it very clear to the Court that Congress intended to strip that provision from the amendment. I think, therefore, that if we get rid, by express amendment, as the Senator from Illinois attempts to do, of the injunction feature of the Taft amendment, we may have our opinions about the right of seizure, but I do not think it at all inevitably follows that injunction would follow from the seizure which might be left in the Taft amendment.

Mr. LUCAS. I thank the Senator for his contribution, which I think is notable and worthy.

Mr. CAPEHART. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. CAPEHART. Is it not a fact that a vote against the amendment of the Senator from Illinois is a vote to retain seizure?

Mr. LUCAS. I do not know what the Senate will do.

Mr. CAPEHART. A vote against the Senator's amendment is a vote to retain seizure, is it not?

Mr. LUCAS. I would not say that. It is a vote to retain the injunction. A vote against my amendment is a vote to retain the injunction features of the Taft substitute.

Mr. TAFT. The seizure feature.

Mr. CAPEHART. The seizure feature.

Mr. LUCAS. No. If the Senator votes against the amendment which I have offered, I will say to my good friend from Indiana that he is voting for retaining the injunction features in the Taft substitute. There is a seizure provision. There is also an injunction provision. As I read the Taft substitute, the President can use seizure, or he can use the injunction, or he can use both. What I am trying to do by my amendment is simply to strike out every line, every word, every syllable, and every paragraph dealing only with injunction.

Mr. CAPEHART. But retaining the seizure provision.

Mr. LUCAS. It will definitely be retained unless another amendment is offered to strike it out. We cannot cross that bridge until we come to it.

Mr. CAPEHART. Is it not a fact that when we voted down the Douglas amendment yesterday we voted down the seizure provision?

Mr. LUCAS. I would not say that. I do not think that was a fair test. Many Members on both sides of the aisle voted for the Douglas amendment, and many voted against it. When we try to line up the political philosophy on labor legislation of some of the Senators who voted against the Douglas-Aiken amendment, it is a little difficult to determine just how they got together.

Mr. CAPEHART. I intend to vote against the Senator's amendment, and I intend to vote against the Taft amendment. I voted against the Douglas amendment.

Mr. LUCAS. If the Senator is going to vote against my amendment, he will be voting for injunctions.

Mr. CAPEHART. I am going to vote against the Senator's amendment. Then I am going to vote against the seizure amendment, when that is offered. I voted yesterday against the Douglas amendment. I am in favor of permitting the President of the United States to handle the question.

Mr. LUCAS. I hope the Senator will orient himself properly on this question. I do not mean to say that he has not done so. He indicates that he wants to vote against the injunction, but he is going to do just the opposite. He wants to vote against the injunction, but he says that he is going to vote against my amendment.

Mr. CAPEHART. I want to be just as fair to business as I am to the unions. I am not going to be put in the position of voting for the amendment of the Senator from Illinois. I am against the seizure provision, and I am against injunctions. I am for permitting the President of the United States to handle it.

Mr. LUCAS. If the Senator is against injunctions, he must be with me. He cannot be against me. I plead with my good friend from Indiana to look the situation over before he finally casts his vote.

Mr. CAPEHART. Why does not the Senator offer his amendment on the basis of striking out both the seizure provision of the Taft amendment and the injunction procedure? Why take it one step at a time?

Mr. LUCAS. Because I am for seizure.

Mr. CAPEHART. I am against it. I am against the injunction, too.

Mr. LUCAS. I am glad that the Senator from Indiana made that last statement, because he is on record in this debate three or four times as against injunction. If he is against the injunction, he must vote with me on this amendment, or he will be misunderstood from now until the end of time.

Mr. CAPEHART. I may be misunderstood, but I will be fair.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. HUMPHREY. I am deeply impressed with the remarks of the Senator from Indiana. I think we ought to accommodate him in terms of his desire to vote. I wish to emphasize the fact that there are those of us who feel that the Senator from Indiana can be properly accommodated. I wonder if the Senator from Illinois would agree with this statement: As he pointed out, the issue now before the Senate is quite clear. Do we believe in injunctions in labor disputes, or do we not? If the amendment of the senior Senator from Illinois, the majority leader, is adopted, then the issue before the Senate will be whether or not the Thomas bill should be amended by a seizure provision. The Senator from Indiana will then have the opportunity to vote for or against seizure, by voting upon an amendment to the Thomas bill.

Mr. BALDWIN. Mr. President——

Mr. HUMPHREY. If I may continue, this issue should not be beclouded by those who want to becloud the issue. Frankly, the issue is crystal clear. We are not denied the opportunity of voting in this body. We can vote all day on as many amendments as may be offered. The question is, Are we for injunctions or are we against them? The Senator from Minnesota is against them, and is going to support the amendment of the Senator from Illinois.

The next issue is——

Mr. BALDWIN. Mr. President——

The VICE PRESIDENT. The Chair feels it his duty to admonish Senators that he thinks the debate on this bill has gone far enough to justify the Chair in enforcing the rule of debate that Senators may yield only for questions, and not for statements or long debate.

The Chair has no desire to embarrass, handicap, or restrict any Senator. The Chair did not make the rule. As we all know, it is frequently relaxed into what Grover Cleveland called "innocuous desuetude," which means harmless disuse. The Chair feels that the rules of the Senate ought to be observed, so as to facilitate as much as possible the consideration of business in the Senate. The Chair feels that that can be accomplished by better observance and enforcement of the rule.

Mr. TOBEY. Mr. President, a parliamentary inquiry.

Mr. LUCAS. Mr. President, I agree with the distinguished Vice President that we should observe the rules of the Senate.

The VICE PRESIDENT. It is always within the control of a Senator who has the floor to yield for a question; and if it is not a question he may abruptly terminate the yielding, instead of permitting a long debate across the aisle among various Members of the Senate. The Chair is seeking only to facilitate consideration of this important legislation, which has been before the Senate for nearly 3 weeks, and which, according to the progress we are making, will be here for another 3 weeks.

Mr. TOBEY. Mr. President, will the Senator yield for a parliamentary inquiry?

The VICE PRESIDENT. The Senator cannot yield for a parliamentary inquiry. He can yield only for a question.

Mr. LUCAS. Mr. President, while I wholeheartedly agree with the distinguished Vice President, yet it is a little difficult to follow his advice and terminate one of these debates abruptly when I am pleading so hard for votes. [Laughter.]

The VICE PRESIDENT. The Chair understands that. What the Chair meant was that every Senator knows, when he yields to another Senator, whether he is being asked a question, or whether he is being compelled to listen to a speech. In the latter case, he knows when to stop yielding.

Mr. LUCAS. Mr. President, I yield to my friend from New Hampshire [Mr. TOBEY] for a parliamentary inquiry.

Mr. TOBEY. Mr. President, this question is addressed to the distinguished Vice President. In view of his admonition a moment ago, and also in view of the confusion in the Chamber on this much mooted question, are we not reminded of the title of the old song, The Music Goes Round and Round and Comes Out Where?

The VICE PRESIDENT. The Chair thinks the correct quotation is:

> The music goes 'round and 'round,
> And it comes out here.

[Laughter.]

Mr. LUCAS. Mr. President, I shall decline to yield for any more of these musical parliamentary inquiries.

Now I yield to my good friend the Senator from Connecticut [Mr. BALDWIN] for a question.

Mr. BALDWIN. Is this amendment a question of whether one is for or against injunctions in labor disputes, or is it not a question of whether we are in favor of giving the President of the United States authority to go into a Federal court and ask for an injunction in a strike or a lock-out that involves the national health and safety? Is not that the question, rather than the broad question which has been stated here?

Mr. LUCAS. I would say that is an element to be considered, but I say the basic, primary question is the one which

has been stated with respect to the injunction.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. TAFT. If a Senator wishes to vote against the use of the injunction, why does not he wait and vote against my amendment? My amendment is the only one which has in it provision for use of the injunction.

Mr. LUCAS. That is why we are trying to take it out.

Mr. TAFT. My amendment is the only one that provides for the injunction. I am quite willing to vote in the way that will be required because of the presentation of the Lucas amendment; but it seems to me that any Senator who is not simply trying to avoid the use of the word "injunction" would accomplish his purposes by voting against my amendment when it comes up for a vote; and I am quite willing to stand on that basis.

However, I am delighted——

Mr. LUCAS. Let me ask the Senator, What is the question?

Mr. TAFT. I wish to know whether the Senator from Illinois does not feel that the best way to vote against the injunction is simply to let this amendment be withdrawn, and then vote on my amendment. That is my question.

Mr. LUCAS. No; I answer that question categorically in the negative, or else I would not be on my feet at the present time.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. LUCAS. I yield to the Senator from Minnesota for a question.

Mr. HUMPHREY. In view of the speech I was giving, I should like to ask a question: Is it not possible that following the vote on the injunction, the Members of this body who are deeply concerned about seizure which may be interpreted as being unfair to the employer will have their opportunity to vote on that question when the seizure portion of the amendment proposed to the Thomas substitute comes up for a vote?

Mr. LUCAS. The Senator is correct; such Senators would have their day or their days in court when the question comes up on that point.

We are now dealing only with the part of the Taft amendment relating to injunctions, and when we cast our votes we shall be voting only on the question of whether we favor injunctions under the Taft substitute.

Mr. DONNELL. Mr. President, will the Senator yield for a question?

Mr. LUCAS. I yield for a question.

Mr. DONNELL. I ask the Senator from Illinois whether he proposes, anywhere in his amendment, to strike out or prevent seizure.

Mr. LUCAS. No; I have said that again and again. In my amendment I do not touch the seizure clause in the Taft substitute.

Mr. DONNELL. In other words, the amendment of the Senator from Illinois would leave in the seizure clause; would it?

Mr. LUCAS. That is correct.

Mr. DONNELL. It is likewise true, is it not, that the Douglas-Aiken amendment would permit seizure?

Mr. LUCAS. That is correct.

Mr. DONNELL. Does the Senator from Illinois agree with the following two statements made by the authors of the Douglas-Aiken amendment—reading now from page 7813 of the CONGRESSIONAL RECORD for June 16:

> Mr. AIKEN. I think it goes without saying that the employer does not want his plant seized. The difference between the Taft amendment and the Douglas amendment is that the Taft amendment provides that the President may use injunction or seizure, whereas the Douglas amendment provides that the President may use seizure, and, I assume, injunction, if necessary, after seizure.
>
> Mr. DOUGLAS. That is correct, but he could only use injunction if seizure did not work. He could not use it to force men back to work for the private project of private employers. But we do not believe it would be necessary to use the injunction after seizure.

Does the Senator from Illinois agree with those statements by the authors of the Douglas-Aiken amendment?

Mr. LUCAS. I think I do, generally speaking; but I should like to make this reservation: In view of the way the question was put, I think it should have been answered somewhat differently. It seems to me we are talking about two different things. In the Taft substitute there is a provision for injunction and also provision for seizure, as to which the injunction is incidental. In other words, under the Taft substitute it is not necessary to have seizure in order to have an injunction. But under the seizure provision—either the one in the Taft substitute or the one which was in the Aiken-Douglas substitute—it is necessary to have seizure before there can be an injunction.

Mr. DONNELL. Mr. President, will the Senator yield for a further question?

Mr. LUCAS. I yield.

Mr. DONNELL. I take it that the Senator from Illinois agrees with me, does he not, that after he succeeds, if he does, in securing the adoption of his amendment, thus striking out the injunction provision in the Taft amendment, the very fact that the provision for seizure remains will still leave the injunction permissible to be secured by the President and, as the Senator from Ohio has said, for perhaps an indefinite period, not limited by any time. Is not that correct?

Mr. LUCAS. Only after seizure and only for the duration of seizure.

Mr. DONNELL. Yes; but it still would leave the power of the President, after seizure, to secure an injunction. Is that correct?

Mr. LUCAS. If my amendment is adopted, it will leave the seizure provision just as it is in the Taft substitute; and the Senator from Missouri knows better than does the Senator from Illinois what that seizure provision means. I am not discussing that provision at the present time. I think I know what it means and I think I know what the seizure provision offered by the distinguished Senator from Illinois [Mr. DOUGLAS] and the distinguished Senator from Vermont [Mr. AIKEN] means, but I am not going to be dragged into the seizure alley until we dispose of this first question. Then I will debate seizure with the Senator all afternoon, if necessary.

Mr. DONNELL. Mr. President, will the Senator yield for a further question?

Mr. LUCAS. Yes, but I do not want the Senator from Missouri to seize me.

Mr. DONNELL. I ask the Senator this question: Does he not agree with me that if the authors of the Douglas-Aiken amendment are correct in saying that the seizure provision contains, as an incident thereto, the power to secure an injunction, then it follows inevitably that if the Lucas amendment is adopted, the injunction will still be left in the bill, notwithstanding the attempts of the Senator from Illinois to eliminate the injunction?

Mr. LUCAS. Oh, yes; but it will be left in as incidental to seizure. However, I undertake to say that in 95 or 98 percent of the cases the injunction would never be used with seizure, whereas in the Taft substitute and in the present Taft-Hartley law the injunction comes first, and following that an attempt is made to settle the difficulty. But during the cooling-off period, as I said a moment ago—a period which in my judgment is a warming-up period—the results which should be accomplished are not accomplished, under that law. The very fact that the Senator from Ohio places seizure alongside the injunction in his amendment is an indication to me that he did not believe the injunction was working properly in the case of national emergencies, and so he went one step further and placed the seizure provision in his proposal.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. DOUGLAS. Is it not true that if the Lucas amendment is adopted, thus eliminating from the Taft substitute injunctions by which the men would be sent back to work for private employers, is will then be possible for a Senator who objects to seizure to prepare a separate amendment eliminating seizure from the Taft proposal; and if that carries, we shall be back to the original Thomas proposal?

Mr. LUCAS. Of course the Senator is correct, from a parliamentary point of view.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. TAFT. Does not the Senator from Illinois feel that a vote in favor of his amendment will be the same as a negative vote on my amendment, and that the vote on one of them might just as well be taken immediately after the vote on the other?

Mr. LUCAS. No.

Mr. TAFT. Because so far as I can see—and does not the Senator from Illinois agree—his amendment is merely one method of killing the Taft amendment.

Mr. LUCAS. It may be one method of killing it, and if I can kill it, that is what I want to do.

Mr. TAFT. I mean to say, a vote in favor of the Lucas amendment will have

precisely the same effect as a vote against the Taft amendment itself.

Mr. LUCAS. No; I would not say the effect would be the same. They are two separate propositions.

Yesterday a Senator said to me, "If you have an amendment striking out both injunction and seizure, I will vote for it."

Mr. TAFT. That is the Ives amendment, I assume, which was rejected yesterday by a considerable vote.

Mr. LUCAS. Yes; but I mention that fact to indicate that I cannot agree with my distinguished friend the Senator from Ohio, much as I would like to do so.

Mr. PEPPER. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Illinois yield to the Senator from Florida?

Mr. LUCAS. I yield.

Mr. PEPPER. I should like to invite the attention of the Senator to what would be section 405 under the Taft amendment, and to make an inquiry about it. I read from page 91 of the minority views, which contains the Taft amendments I think accurately. This is a carry-over of an identical provision, if I understand correctly, which is in the Taft-Hartley law at the present time:

> Nothing in this act shall be construed to require an individual employee to render labor or service without his consent, nor shall anything in this act be construed to make the quitting of his labor by an individual employee an illegal act; nor shall any court issue any process to compel the performance by an individual employee of such labor or service, without his consent; nor shall the quitting of labor by an employee or employees in good faith because of abnormally dangerous conditions for work at the place of employment of such employee or employees be deemed a strike under this act.

My question is—and I should also be pleased if the Senator from Ohio will attend the inquiry—does not the Taft provision with respect to injunction for all practical purposes constitute something inconsistent with the harsh declaration I have just read, which is section 502 of the Taft-Hartley Act and which would be section 405 of the Taft amendment? The Senator from Ohio in his amendment, after the proclamation, authorizes the President, through the Attorney General, to file a petition in the district court of the United States having jurisdiction of the parties to enjoin such strike or lockout, or the continuation thereof. Is it not the purpose of it, if it means anything at all, to give the courts the power to make men work against their will or, if they quit work, to make them go back to work without their consent, when the declaration I read a while ago was that that would not be required of the worker?

Mr. LUCAS. Let me say to my able friend that I have not carefully analyzed or examined the provision to which he has referred; but if I caught the language correctly, I am inclined to agree with his conclusion.

Mr. PEPPER. The reason I ask the question—and I ask the Senator to allow me to give this justification of the inquiry—is that in the hearings before the committee there were some apparent doubts as to whether the language I have just read, about not making a worker work against his consent, did not prohibit actually enjoining a strike. Some people thought the truth was that the Taft-Hartley bill really did not mean anything. I only wanted the Senator from Ohio to make it clear to us. His injunction amendment either means something; and it does give the court the power, if the men quit work, to put them in jail, if the court so orders, when the President proclaims the emergency, and the Attorney General brings action for injunction, or the court can put them in jail if they do not go back to work, once they have quit work after the proclamation in a national-emergency case and after the application of the Attorney General for an injunction is granted. I thought we were entitled to know whether the Senator from Ohio really means to give the power to prevent men from stopping work, or, if they quit work after the proclamation, to compel them to go back to work, by imposing upon them the usual contempt penalties, or whether it is merely a gesture implying that it means something, whereas actually it does not mean anything at all because of the other section I have described.

Mr. LUCAS. I do not think there can be any question that the Senator from Florida is correct. I think the court would have the power to force the men back to work during the cooling-off period.

Mr. PEPPER. If the Senator will yield further, is it his understanding, and does he think that those who have read about this injunction provision understand, that the author of it really intends to confer upon the courts the power to put men in jail if they quit work after the Presidential proclamation, or if they do not go back to work after the Presidential proclamation is issued?

Mr. LUCAS. I am unable to say what the author intends, but I believe that is what the amendment means. I do not think there can be any question about it. That is the thing with which I thoroughly disagree. I return to the point I made a few minutes ago with respect to the period of 80 days, known as the cooling-off period. During that time, under the provisions of the Taft-Hartley law, or under the provisions of the Taft substitute, it is not a cooling-off period for the laboring man, who has the strong arm of the court around his neck all the time. It is not the proper atmosphere for what we are all hoping finally to find, and that is an atmosphere of honest, true, and faithful collective bargaining on both sides of the table. The greatest disadvantage to the laboring man in collective bargaining when he sits around the table during the cooling-off period and begins to bargain with the other party, is the realization that the long arm of the Federal court is around his neck. What happens? He goes through the motions. He does not do any collective bargaining. He will wait until the period of 60 or 80 days is over, and then he will do as he pleases, strike, or anything else, because he then becomes, so to speak, a freeman again, free from the shackles of the court.

Mr. DOUGLAS. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the senior Senator from Illinois yield to the junior Senator from Illinois?

Mr. LUCAS. I yield.

Mr. DOUGLAS. Is it not also true that, once an injunction has been obtained against a union, the union is stigmatized in the popular mind as being at fault in the dispute, and therefore public opinion is marshalled against the union, even though later the injunction is dissolved? And is it not true that in effect therefore the injunction builds up public opinion against the union, and does not merely try to maintain the peace?

Mr. LUCAS. I think the Senator is correct, but I want to make one other point, and then I am going to finish.

Mr. President, we are talking about national emergencies, about the health, safety, and security of the Nation being threatened. I undertake to say that when the time comes that a dispute threatens the safety and security of the Nation the men on both sides of the bargaining table should not be forced to proceed under a single handicap, if it is desired to settle the dispute in the really American way. The injunction terrorizes men who are compelled to sit around the table and deal with management in a national emergency. They do not have the free will and the power they should have to deal with a great question of that kind.

Mr. TAFT. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Illinois yield to the Senator from Ohio?

Mr. LUCAS. I yield.

Mr. TAFT. Does not the Senator feel that the real reason the labor-union leaders are against the injunction is that it is the only thing which can make them consider the public interest in national-emergency strikes? Is not that the real reason why labor-union leaders are opposed to this kind of injunction? Do they not want to be free from any legislative restraint whatever? Do they not want to be free to exercise that freedom against the people of the United States, to enforce their selfish individual demands? Is not that the reason they are against the injunction?

Mr. LUCAS. I regret to disagree with my distinguished friend in his conclusion. I cite the Railway Labor Act, in response to his inquiry. There are no injunctions under the Railway Labor Act. The authors of the Taft substitute saw fit to exempt all railway employees under the Railway Labor Act.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. LUCAS. In a moment.

Mr. TAFT. Is the Senator familiar with the injunction issued against the railroad labor leaders last year by Judge Goldsborough?

Mr. LUCAS. Yes.

Mr. TAFT. The labor leaders apparently, I think, were very glad to have it issued, as a matter of fact, in order to avoid the necessity of carrying out their threat of a strike, which they really did not want to do.

Mr. LUCAS. That was under seizure. It was not a court order directing men to work for a private employer under

threat of a jail sentence. That is what I am talking about when I say that injunction under seizure, as under the Douglas-Aiken amendment is a very different thing from injunction when the plant is in private hands, as under the Taft substitute.

Mr. TAFT. But it was an injunction.

Mr. LUCAS. Yes.

Mr TAFT. The Senator heard no great protests against that injunction.

Mr. LUCAS. It was seizure by the Government. The injunction was incidental to the seizure. That is the distinction I am making. The Senator cannot tell me that men who are sitting around a collective-bargaining table in a great national emergency will not act more like human beings, in a calm and sober way, with the Government holding the plant as the result of seizure, than they would if the court issued an injunction in the first instance. That is the great distinction which we have been trying to make all the way through the debate. It is an important distinction. It is a very proper distinction, in view of what has happened in the past with respect to irresponsible courts issuing injunctions against unions right and left upon the most frivolous pretext. The records are replete with injunctions of that character. Is it any wonder that the laboring man, even at this late hour, even though we have come a long way with respect to better courts, is still wondering whether he may not be placed in a hazardous position as the result of an injunction?

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. PEPPER. The Senator from Ohio says an injunction was sought against railway labor in the past, but the Senator from Illinois is aware, is he not, that the title III amendment of the Senator from Ohio expressly provides that the provisions with respect to seizure or injunction shall not be applicable with respect to any matter which is subject to the provisions of the Railway Labor Act, as amended from time to time.

Mr. LUCAS. Yes. It has been pointed out over and over again in the debate, and there is no answer other than the fact that those who drew the Taft substitute recognized the fact that over a long period of years those who handled railway disputes have been able to settle them amicably and fairly without the injunction method. That is the real reason railway labor was omitted from the provisions of the Taft-Hartley law. Senators on the other side of the aisle and on this side of the aisle who strenuously and continuously argue for the injunction apparently overlook the fact that the Railway Labor Act has no injunction features in it at all.

Mr. President, following the same line of thought we have been discussing, I wish to say that a necessary result of this approach is once more to deprive the union of its most effective bargaining force. Yet at the same time the law tells the employer and the union to go on bargaining in the hope of reaching a settlement during the 80-day injunction period, during a period when both parties know that the union can do nothing to lend force to its demands comparable to the power of the large corporation to hold out. It appears to me, and as other distinguished Senators have indicated, the practical result is for the union to withdraw from any serious negotiations during the injunction period.

That is the truth of the matter, and that is what worries me. How can a union seriously negotiate in a national emergency with an injunction hanging over its head? It cannot do so. It is shackled; it is tied by the law, and is subject to contempt of court if it gets out of the way a little bit. If a plant is seized by the Government, the workingman goes in as a free man, knowing that no injunction will issue until something really serious happens. He goes in on equal terms with the management. He has no shackles placed upon him such as the Taft injunction would place upon him.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. LUCAS. I yield to the Senator from Ohio.

Mr. TAFT. Would he not be under exactly the same shackles if seizure has taken place? Would not the shackles be the same?

Mr. LUCAS. The great difference, as has been pointed out over and over again, is that in one instance he is dealing with the Government, and in the other instance he is dealing with the private employer. He knows that in instances in which the Government seizes plants 99⅔ percent of the cases will be settled without having any injunction issued. Under the Taft substitute injunction is imperative from the very beginning.

Mr. TAFT. Mr. President, will the Senator yield further?

Mr. LUCAS. I yield.

Mr. TAFT. There is a provision in my substitute that employees cannot negotiate with the Government. The Government is forbidden, under the terms of the Taft substitute, to negotiate. That is left to the employer and the employees. I do not think it will discourage collective-bargaining negotiations in any way.

Mr. LUCAS. The Senator from Ohio is a very able lawyer, a very distinguished gentleman, and one of the leaders of the Senate. We probably would not agree if we debated this very important point the rest of the afternoon. I merely wish to repeat that the record shows that men do not bargain effectively when an injunction forces them to work for a private employer.

I have presented this matter, and I want to conclude by stating once again, as I started out, that the issue is clear-cut, clearly drawn, so that there can be no question about it. The people of America will know where their Senators stand on this issue, whether they are for or against the injunction. It is something which even a laboring man in my section of the country will thoroughly understand when he reads the newspaper and sees what has happened.

Mr. HOLLAND. Mr. President, will the Senator yield for a question?

Mr. LUCAS. I yield.

Mr. HOLLAND. I was very much interested in the Senator's observation to the effect that injunctions had been granted by irresponsible courts. Is it the contention of the able Senator from Illinois that any of the six injunctions granted under the emergency features of the Taft-Hartley Act were granted by irresponsible courts?

Mr. LUCAS. I do not say that. I have been talking primarily regarding injunctions in the early days when we had government by injunction.

Mr. HOLLAND. Since the Attorney General has chosen courts of the very highest standing in which to bring the six proceedings brought during the past 2 years, does the able Senator have any reason to think that the Attorney General will go to irresponsible courts in the future, if the same provision is continued as a part of the law?

Mr. LUCAS. I cannot tell what the Attorney General will do in the future, any more than can the Senator from Florida tell what I will do in the future.

Mr. HOLLAND. Mr. President, will the Senator yield for a further question?

Mr. LUCAS. I yield.

Mr. HOLLAND. Do I correctly understand that the able Senator is unwilling to trust the Attorney General to apply to responsible courts if occasion shall arise in the future?

Mr. LUCAS. I think I would trust the President of the United States and the Attorney General as much as would any Senator on the floor, or I would not be in the position which I occupy.

Mr. HOLLAND. Mr. President, will the Senator yield further?

Mr. LUCAS. I yield.

Mr. HOLLAND. The Senator's allusion, then, to irresponsible courts had to do entirely with a situation obtaining prior to the passage of the Taft-Hartley law. Is that correct?

Mr. LUCAS. I was speaking primarily of the Wilkerson episode in my section of the country. I think the Senator is familiar with it. I do not want to go into it further, because it has been discussed over and over again.

Mr. HOLLAND. Was the Senator's statement with reference to irresponsible courts meant to apply entirely to cases brought before the passage of the Norris-LaGuardia Act?

Mr. LUCAS. I referred to cases leading up to the time when the Norris-LaGuardia Act was passed. The Senator well knows that the reason why that act was passed was the existence of the very thing I am talking about. The courts were not fair. The Senator will agree they were not fair if he reads the history of injunctions. He knows a temporary injunction could be obtained on almost any kind of a pretext, on an ex parte hearing, or without any hearing at all. Sometimes a temporary injunction lasted for weeks before it was made permanent or was dissolved. All that time the individual who was caught by the injunction was suffering. It was that type of suffering which finally brought on the Norris-LaGuardia Act.

However, I wish to point out further that, as stated many times by the distinguished Senator from Oregon [Mr. MORSE] once the Attorney General requests the emergency injunction, no matter how responsible the Federal courts

may be, the judges are prone to issue the injunction without much ado.

Mr. HOLLAND. Mr. President, will the Senator yield for another question?

Mr. LUCAS. I yield.

Mr. HOLLAND. Is the Senator of the opinion that the labor leaders, and the laboring people of this Nation, are not sufficiently intelligent to distinguish fully between the type of injunction of which the able Senator has been speaking, which was sometimes used prior to the passage of the Norris-LaGuardia Act, and the type of injunction provided under the Taft-Hartley law, under which only the Attorney General of the United States, only after direction of the President of the United States, based upon the findings of an emergency board, would have the authority to go to a court in an appropriate jurisdiction to ask for an injunction, and then only in protection of the public of the United States against a calamity which, in the judgment of the President, was about to happen, and which constituted a serious threat to the national health and welfare?

Mr. LUCAS. I think I have covered that before. I know how labor leaders dislike injunctions, and I know the reason why. The injunction about which the Senator is talking has not been very effective. One would think it was a cure-all for all the evils which exist in a national emergency. The truth of the matter is that it has not done very much good, even though the Attorney General has requested the injunction. We can take the statement of the Senator from Ohio himself, and I shall read it:

> Senator TAFT stated that the emergency injuction "has been used by the President some five or six times in the 2 years since the passage of the Taft-Hartley law. It has been reasonably successful in some cases; in other cases it has not been successful."

Mr. HOLLAND. Will the Senator yield for a further question?

Mr. LUCAS. I yield.

Mr. HOLLAND. Is it not a fact that in each of the six instances the injunction has performed its major objective, of preventing the shut-down throughout the injunctive period of an industry vitally affecting the public health and welfare?

Mr. LUCAS. No; I am compelled to say that the Senator is not fully informed on the subject if he takes that view, because in the longshoremen's strike, after the 80-day period, the strike extended for a long period. Furthermore, in the atomic energy plant case the injunction lasted for 80 days, and the employees still failed to reach any agreement. It was not the injunction which kept them from striking after the 80-day period. It had the effect of keeping everything going for 80 days, but it did not do any good after that.

Mr. HOLLAND. Is not the Senator confused in his mind between the question of the settlement of the strikes to which he has addressed himself, and the question of the protection of the vital public interest by keeping vital industries open throughout the injunctive period in each of the six instances in which injunctions were issued?

Mr. LUCAS. What does the Senator say about the Railway Labor Act, if he is so much interested in the injunction? None are used under that act and yet workers have never struck during the waiting period.

Mr. HOLLAND. The Senator from Florida will have something to say on that in his own time, but the Senator from Florida has addressed a question to the distinguished Senator from Illinois, and he wants the Senator from Illinois to say if it is not true that the issuance of the six injunctions under the Taft-Hartley Act did in each instance prevent a shut-down of a vital national industry throughout the period covered by the injunction.

Mr. LUCAS. It did not work in those cases. It did not calm anybody's fears, and it did not bring any sober judgment around the bargaining table as a result, because on two occasions I know the workers went on strike the next day.

Mr. HOLLAND. The Senator is getting mixed as to the objectives, I think.

Mr. LUCAS. I am not mixed; the Senator from Florida is mixed.

Mr. HOLLAND. It is not the purpose of the injunction to force a settlement of any kind. It is to protect the public interest by preserving the status quo throughout the injunctive period. I am asking the Senator to say, if he can—and I believe he can—whether it is not true that in each of the seven cases where the injunction was used the public interest was protected throughout the injunctive period by preventing a shut-down of the vital industry which was affected.

Mr. LUCAS. The plants continued in operation during that time, but instead of attempting to get an adjustment in an amicable way, in my humble judgment the injunction interfered with proper and amicable settlement, in the final analysis.

Mr. HOLLAND. The Senator does agree, does he not, that in each case the injunction was respected, and it did prevent or avert a shut-down in each case throughout the injunctive period?

Mr. LUCAS. It was respected, but there was no mutality of collective bargaining around the table during that period of time. It interfered with the proper settlement of the dispute, in my humble judgment, perhaps not in every case, but in the longshoremen's case, which was tremendously important from the standpoint of the public welfare, I know it did not work, and the Senator from Florida knows it did not work. There is no panacea for the national emergency evil.

Mr. DOUGLAS. Mr. President, will my colleague yield?

Mr. LUCAS. I yield to my colleague.

Mr. DOUGLAS. Is it not true that the Senator from Florida has fallen into an inadvertent error when he speaks of seven injunctions having been obtained? There were seven disputes involving national emergency, but in three of those disputes—the meat packing, telephone, and the second coal disputes—no injunctions were asked for, and therefore no injunctions were obtained. In effect there have been injunctions sought and secured in only four disputes—the first coal disputes, the Pacific longshore dispute, the east coast and Gulf maritime dispute, and the atomic energy dispute. So that instead of this broadside of seven disputes which the Senator from Florida has thrown at us, in practice there were only four disputes.

Is it not a further fact, according to the direct testimony of the mediating authorities, that in the West Coast Longshoremen's case the injunction did not avert the strike? The strike, as my colleague has well said, occurred after the 80 days and the same thing was, roughly, true in the east coast and maritime shipping strike. In the dispute involving the atomic energy plant, that was a case where the union was always willing to arbitrate. It was the company in that case which did not want to arbitrate. The union was begging for a peaceful settlement, and after the injunction expired a settlement was readily obtained through the offices of the American Federation of Labor.

So, in practice the seven disputes cited by the Senator from Florida boil down to only one dispute, the coal strike, and no one knows what settled the coal strike. No one really knows whether it was the injunction which settled the coal strike, or whether the fact that the union got its demands settled the coal strike. No one indeed knows whether it was the appointment of a trustee, a very honored member of this body, and the decision he handed down, that settled the coal strike, or whether it was the injunction. I confess that my own mind is somewhat uncertain about that matter. I do not know what settled it. But I think one could make a good case for the contention that it was the appointment of a Senator from the other side of the aisle as trustee, and the decision which he handed down, that settled the coal strike, rather than the injunction.

Therefore has not the Senator from Florida been building his whole case upon a lot of things that are not there?

Mr. DONNELL and Mr. PEPPER addressed the Chair.

Mr. LUCAS. Just one moment.

The VICE PRESIDENT. The Senator declines to yield.

Mr. LUCAS. I wish to take this opportunity of expressing my deep gratitude to my colleague, the junior Senator from Illinois, for his able explanation. My colleague is a member of the Committee on Labor and Public Welfare, and is thoroughly familiar with all the cases which have been cited by the distinguished Senator from Florida. I am sorry the Senator from Florida did not hear my colleague's statement, because I am sure he would have been convinced if he had heard it.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. LUCAS. I yield to the Senator from Florida.

Mr. HOLLAND. I think I am entitled to make the statement that I did do the Senator from Illinois the courtesy of listening, without asking questions, to the reinforcement which came to the aid of the able senior Senator from Illinois, the distinguished majority leader. My position is exactly the same, and it cannot be answered in other than one way.

I am asking the distinguished Senator again one more question: Is it not true

that in every case under the Taft-Hartley law where the injunction was used, the injunction was observed, and that it served to protect the public interest of the people of the United States against the threatened damage and injury of a shut-down of a vital national industry?

Mr. LUCAS. In both cases I will say to the Senator, according to the testimony of my colleague, there was a cooling-off period of some 80 days; and in two of those four cases the cooling-off period did not work at all. During that 80 days there was no stoppage of work, but at the end of the 80 days something really happened. The strike immediately occurred. My contention is that without the injunction those cases would have been settled before the 80-day period had expired.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. HUMPHREY. I should like to ask the Senator from Illinois if under the Railway Labor Act, which provides for a cooling-off period of 60 days, he can recall of any time since 1926 when the employees have not abided by the voluntary arrangement or agreement, as provided for under the Railway Labor Act?

Mr. LUCAS. I think not. As I recall, 172 cases have been decided under the Railway Labor Act, and they have all been settled amicably, and without any question in the final analysis, by following the rules and regulations laid down. And the great remedy of injunction, which the Senator from Florida simply must have in order to protect the health and safety and welfare of the people of the Nation, has not been in existence in connection with the Railway Labor Act, and the group of Senators the Senator from Florida is now following refuse to cover the railway employees. They exempted the railway employees who are under the Railway Labor Act. Why, Mr. President? Simply because the Railway Labor Act has resulted in a good job being done, and the Senators know it. They were not going to submit the railway employees to any injunction features such as other employees throughout the country are now being compelled to submit to when a national emergency dispute arises.

Let me say, Mr. President, if there is one institution with respect to which a national emergency could arise overnight practically, it would be the transportation system. The tying up of that system would bring about a national emergency. The paralyzing of the railroads for 3 days' time would bring about the kind of national emergency which would affect the safety and security of the Nation. Yet the Senator from Florida and other Senators are willing to exempt the railway employees; and so am I. I do not want them to come under an injunction act, because they have done a magnificent job under their own railway labor laws and under the rules and regulations which have been promulgated under those laws, as they now exist. That is the real reason why the railway employees are not included in the proposal. Yet the real danger of an acute national emergency lies in the transportation system, whose employees are not subject to injunction.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. HUMPHREY. Is it not the Senator's understanding that there are two purposes for the injunction: First, to secure time in a vital industry; second, supposedly to offer time for reconciliation of a dispute?

Mr. LUCAS. The Senator is correct.

Mr. HUMPHREY. Mr. President, will the Senator yield for a further question?

Mr. LUCAS. I yield.

Mr. HUMPHREY. I am sure the Senator is familiar with the annual report of the Mediation and Conciliation Service. Was it not the conclusion, as set forth in the annual report of the Mediation and Conciliation Service, that the injunctive procedure, during the period of time for which it was secured, instead of promoting reconciliation, aggravated the situation?

Mr. LUCAS. The Senator is correct. That conclusion can be found on page 56 of the report. I shall not read it, because copies of it are in the hands of Senators.

Mr. HUMPHREY. Mr. President, will the Senator further yield?

Mr. LUCAS. I yield.

Mr. HUMPHREY. I ask the Senator, if it is the purpose of the injunction to save time—and the Senator from Illinois has just pointed out that the Railway Labor Act has accomplished under a voluntary agreement what some want to accomplish by injunction—does there seem to be any justifiable argument for the continuation of an injunctive proceeding which, under the observation of the Mediation Service has not helped, but has failed?

Mr. LUCAS. In my opinion, "No." That is why I have my amendment before the Senate.

Mr. DONNELL. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. DONNELL. I should like to ask the Senator a question along the line of the colloquy between his colleague from Illinois and himself. I understood the senior Senator from Illinois to boil down the seven cases which the Senator from Florida mentioned, first to three, and then to one.

Mr. DOUGLAS. To four.

Mr. DONNELL. Four?

Mr. DOUGLAS. Yes.

Mr. DONNELL. And then they were boiled down to one?

Mr. DOUGLAS. Yes.

Mr. DONNELL. Almost down to the vanishing point.

Mr. LUCAS. After the warm-up there were only four, and when it came to the boiling point they were boiled down to one.

Mr. DONNELL. Mr. President, I want to know if the Senator from Illinois is familiar with the report of the Joint Committee on Labor-Management Relations of the Congress of the United States, published by the United States Government Printing Office, and submitted to the Eightieth Congress, second session. on December 1, 1948, and whether or not he has observed in that report this statement:

INJUNCTIONS UNDER SECTION 208 (NATIONAL EMERGENCIES)

The committee's recommendations with respect to amendments to the national emergencies sections are treated elsewhere in this report. Injunctions have been sought by the Attorney General at the direction of the President in six instances and in each instance the injunction was granted. The six cases were as follows.

1. The atomic-energy case.
2. The United Mine Workers' case, in April 1948.
3. The International Longshoremen's Association, in August 1948.
4. The West Coast case, June 14, 1948.
5. The East Coast case, June 23, 1948.

Finally, No. 6, the Great Lakes case, June 14, 1948.

Is the Senator familiar with this statement?

Mr. LUCAS. I have the first annual report in my hand.

Mr. DONNELL. That is not what I refer to, Mr. President. What I speak of is the report of the Joint Committee on Labor-Management Relations.

Mr. LUCAS. Who is the author?

Mr. DONNELL. It is the report of the Joint Committee on Labor-Management Relations to Congress.

Mr. LUCAS. Who is the author of it?

Mr. DONNELL. Joseph H. Ball.

Mr. LUCAS. Oh, well. [Laughter.]

Mr. DONNELL. Mr. President, "Oh, well" sounds pretty good, but let me say that this statement gives the names of the cases, the dates and places, and I challenge the possible intimation that there is an untruthful statement in it.

May I ask the Senator from Illinois if he has in his hand the first annual report of the Federal Mediation and Conciliation Service, and if so, if he will turn to pages 46 to 48, dealing with the maritime labor dispute. I call attention to page 47 and ask the Senator if he does not read there, as I do, the concluding full sentence on that page with respect to the maritime labor dispute:

Orders were issued by judges of the district courts of the United States sitting in San Francisco, Cleveland, and New York City on June 14. These orders enjoined both the employers—

And I call attention to this language—

both the employers and the unions and all persons in active participation with them, from encouraging and engaging in any strike or lockout in the maritime industry or from making any changes in terms or conditions of employment other than by mutual agreement. The issuance of these injunctions averted for the statutory period work stoppages which, in the judgment of the Service, would have occurred on all coasts on June 15, 1948.

Does not the Senator from Illinois read what I read on those pages?

Mr. LUCAS. The Senator from Missouri is absolutely correct in his reading. There is no question that what he has read is in the document I hold in my hand.

Mr. DONNELL. Mr. President, will the Senator yield further for a question?

Mr. LUCAS. I yield.

Mr. DONNELL. The question was asked by the Senator from Minnesota

[Mr. HUMPHREY] about a statement made by Mr. Ching in regard to the stopping of negotiations pending injunctions. I ask the Senator if he has before him at this time on his desk the first volume of the testimony before the Committee on Labor and Public Welfare on the labor legislation we are now discussing, and if he has, I ask him whether or not at the bottom of page 62 and the top of page 63 there appear the following questions and answers, questions put to Mr. Ching, and his answers. For the purpose of the RECORD I will say that Mr. Ching is the head of the Federal Mediation and Conciliation Service.

Senator TAFT. You say it is the experience of the Service that in some of the national emergency disputes occurring in the last year, reading from your report:

"The issuance of injunctive order did much to forestall a national crisis and to assist in achieving a peaceful settlement."

You still agree with that statement, don't you?

Mr. LUCAS. Will the Senator read the rest of his statement?

Mr. DONNELL. I am coming to that. That is a part of what I want to read.

Mr. LUCAS. I want the Senator to read it.

Mr. DONNELL. I will read it all. I want the Senator to listen to this, and I ask him if I am quoting correctly:

Mr. CHING. I agree that in the Coal case, the Longshoremen's case, the National Maritime case, the Oak Ridge case, as I remember those cases, the injunction stopped the strike at the time it was threatened. However, in some of the cases, after the injunction had expired, we still had the same problem.

Senator TAFT. Oh, well, yes; that was contemplated in the law.

Mr. CHING. It was a temporary stoppage of the strikes. There is no question about that.

Senator TAFT. It gave you 60 days more time to try to work it out.

Am I not correctly quoting from the testimony of Mr. Ching before the Committee on Labor and Public Welware of the Senate early this year?

Mr. LUCAS. The Senator is correctly quoting from Mr. Ching's testimony.

Mr. DOUGLAS. Mr. President——

Mr. DONNELL. Mr. President, will the Senator further yield?

The VICE PRESIDENT. Does the Senator from Illinois yield, and if so, to whom? Let the Chair find out to whom the Senator from Illinois is yielding.

Mr. LUCAS. I am delighted to yield to the distinguished Senator from Missouri.

Mr. DONNELL. In view of the official statements by the Joint Committee on Labor-Management Relations, an official body created by act of Congress and reporting to Congress, and in view of the statements which I have just read, by Mr. Ching, in the official report, does not the Senator feel that, after all, the position taken by the distinguished Senator from Florida as to the number of cases—instead of seven, I think the number was six—is sound and correct? Does not the Senator further believe, as stated by Mr. Ching, that although these injunctions have not brought about settlements of all the strikes—perhaps they have not brought about any settlements?

The issuance of injunctive order did much to forestall a national crisis and to assist in achieving a peaceful settlement.

Does not the Senator from Illinois agree with that statement?

Mr. LUCAS. I do not think I can agree with all the statements of Mr. Ching. Let me read something that Mr. Ching said which the Senator omitted.

Mr. DONNELL. Where is it, please?

Mr. LUCAS. When Mr. Ching was testifying, on page 62 of the labor relations hearings, at the bottom of the page, we find this statement:

The issuance of injunctive order did much to forestall a national crisis and to assist in achieving a peaceful settlement.

That statement was quoted by the Senator from Ohio [Mr. TAFT] in a question to Mr. Ching. That statement came from the annual report of the Federal Mediation and Conciliation Service. That is what the Senator quoted from a moment ago. This is what Mr. Ching said in full, which was not brought out:

It is the experience of the Service that in some of the national emergency disputes occurring in the last year the issuance of an injunctive order did much to forestall a national crisis and to assist in achieving a peaceful settlement. Similar claims for the utility of injunctions, such as are provided in current law, as a means of protecting the national welfare, cannot be made in respect of other national emergency disputes.

That was the statement of Mr. Ching. That was one of the things in the report that was left out. The Senator did not tell everything that Mr. Ching said.

One of the conclusions which the Service is undoubtedly justified in drawing from its experience of the last year is that provision for an 80-day period of continued operations, under injunctive order of a court, tends to delay rather than facilitate settlement of a dispute.

That is what Mr. Ching said. The injunction delayed, rather than facilitated the settlement of disputes.

Mr. DONNELL. Mr. President, will the Senator yield?

Mr. DOUGLAS. Mr. President——

The VICE PRESIDENT. To whom does the Senator from Illinois yield, if anyone?

Mr. LUCAS. I further yield to the Senator from Missouri.

Mr. DONNELL. I am perfectly familiar with the language which Mr. Ching used, and I also am familiar with a sentence which the Senator did not read.

Mr. LUCAS. The Senator has not read it all.

Mr. DONNELL. I shall read it.

The VICE PRESIDENT. The Chair holds that the Senator from Missouri cannot read from a document under the guise of a question. If he has a question to ask the Senator from Illinois which involves certain language, it is legitimate to ask it, but the Chair feels that under the guise of a question a long document cannot properly be read.

Mr. DONNELL. I am not undertaking to read a long document. The Senator from Illinois has read extensively——

Mr. LUCAS. Mr. President, I have the floor.

Mr. DONNELL. I am asking if this further sentence does not appear. I may say that the sentence which I am about to read is in support of the argument of the Senator from Illinois, but I wish to read it.

I ask the Senator from Illinois if the Ching report does not contain this language:

National emergency disputes vary widely in their facts and circumstances, and it is unlikely that any machinery can be devised that will guarantee satisfactory handling in all situations.

My question of the Senator is this: Notwithstanding Mr. Ching's statements to that effect, and notwithstanding the fact that in his testimony he says that he does not think it advisable for his department to take a position on the use of the injunction, he said this:

It is the experience of the service that in some of the national emergency disputes occurring in the last year the issuance of an injunctive order did much to forestall a national crisis and to assist in achieving a peaceful settlement.

Mr. LUCAS. Mr. Ching is on both sides of the question. There is no doubt about it. That is my conclusion after reading the statement.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. DOUGLAS. Has not the Senator from Missouri, in perfect good faith, nevertheless made an inadvertent error when he implied that because injunctions were sought in six instances, they therefore occurred in six disputes?

Mr. LUCAS. They did not.

Mr. DOUGLAS. As a matter of fact, if we examine the six injunctions which were sought, is it not true that in the east coast and Gulf maritime dispute three injunctions were sought, one against the Longshoremen's Union, A. F. of L., and two against the National Maritime Union, CIO? So is it not true, in effect, that in only four national emergency disputes were injunctions sought—not seven, and not six, but four? Is not that true?

Mr. LUCAS. I think the Senator is correct, and I think the Senator from Missouri will agree with him.

Mr. DONNELL. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. DONNELL. I ask the Senator from Illinois, regardless of whether there was one controversy which covered the east coast, the west coast, the middle coast, and all other coasts, is it not true that there were six separate cases in which injunctions were issued under the national emergency provision, and that in each instance the name of the court appears? Does not the official report of the Joint Committee on Labor-Management Relations say that injunctions have been sought by the Attorney General, at the direction of the President, in six instances, and that in each instance an injunction was granted?

Mr. LUCAS. There were only four disputes in which the injunction was involved.

Mr. DONNELL. Regardless of the number of disputes, six injunctions were issued.

Mr. LUCAS. Six injunctions in four disputes. I stand on that.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. TAFT. Does not the Senator feel that in six cases, four cases, or whatever the number may be, the President of the United States, after considering all the circumstances, came to the conclusion that it was in the public interest and in the interest of settling the strike to seek an injunction?

Mr. LUCAS. That was the only thing he could do under the Taft-Hartley Act.

Mr. TAFT. Not at all. The use of the injunction under the Taft-Hartley Act is completely discretionary with the President.

Mr. LUCAS. Certainly.

Mr. TAFT. Did not the President, in every one of those cases, decide that in his opinion the injunction was the best method of dealing with the emergency dispute?

Mr. LUCAS. After the board made its findings, and the Attorney General requested the injunction, that was all he could do.

Mr. TAFT. Does not the Senator realize that the Attorney General seeks injunctions only on the order of the President?

Mr. LUCAS. He seeks an injunction after the Board of Inquiry has made its report to the President of the United States. I presume the President confers with the Attorney General; but it is probably the Board of Inquiry which makes the decision.

Mr. TAFT. Oh, no.

Mr. LUCAS. The Board of Inquiry makes its report to the President of the United States.

Mr. TAFT. That is correct.

Mr. LUCAS. And then the President——

Mr. TAFT. The Senator is no doubt aware of the Meat-packing case, in which the President decided that it was not in the public interest to seek an injunction, or else that it was not a case involving national safety and health. But is it not clear that in every one of the six cases the President had discretion to seek an injunction or not to seek an injunction, and that in every case he decided that that was the best method of dealing with the situation?

Mr. LUCAS. That was the only way in which he could get a waiting period.

Mr. TAFT. He had all the remedies of the Thomas bill. The only thing he did not have under the Taft-Hartley Act was the right of seizure, except in the case of railroads under an older act. But if the President thought the injunction would make the strike worse, surely he was under no obligation to use the injunction.

Mr. LUCAS. The Senator from Ohio does not believe the injunction has been very successful; does he?

Mr. TAFT. I think the injunction has succeeded, in the first place, in postponing the strike; and in every case it means that some headway toward a settlement—in some cases successfully, and in others not—can be made while the injunction is in effect.

But does not the Senator from Illinois believe that if in a national emergency the injunction offers a means by which the problem can be solved, that method should be used by the President, in his discretion?

Mr. LUCAS. I absolutely disagree with the Senator from Ohio in that premise and in his conclusion. The President is, as a practical matter, under a duty to use the remedy Congress gives him whenever the national health or safety is threatened.

Mr. President, I have tried to state clearly why I have presented this amendment. I do not care to repeat that statement; it is a long story. The Senator from Ohio knows exactly my position. I do not agree with him.

I repeat that in the case of a national emergency, action should be taken through the second method, the method offered by the Senator from Illinois [Mr. DOUGLAS] and the Senator from Vermont [Mr. AIKEN], or through the other provision which would remain in the Taft substitute, after provision for the injunction has been stricken out, as it should be stricken out.

Mr. THYE. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. THYE. I should like to ask a question. In the event there was no provision for seizure and no provision for injunction, how many of those strikes would have been settled before the actual shutdown or stoppage of work occurred?

Mr. LUCAS. Of course that is a matter of speculation.

Mr. THYE. Is it not reasonable to believe that the provision for seizure or for injunction might result in deteriorating or slowing down the settlement, because one party or the other would know that the strike or shutdown would not occur since either the plant would be seized, as a result of provoking such action, or an injunction would be issued, because a situation leading to an injunction might be provoked? In fact, the entire emphasis in this question should have been upon conciliation and negotiation before the strike or shutdown occurs, when the men are not nearly so angry as they become once the injunction has been imposed or once the plant has been seized.

Mr. LUCAS. I agree entirely, as I have said time and time again, that negotiation, conciliation, and honest collective bargaining around the bargaining table can be had only when there are no strings attached. They cannot be had if there is injunction or seizure; but in my opinion they can be had better under seizure than under injunction, because under injunction, if a contempt of court action is in the offing, there is no opportuinty to act in a free and independent manner, so to speak, in trying to present the case around the bargaining table.

Mr. THYE. Mr. President, will the Senator further yield?

Mr. LUCAS. I yield.

Mr. THYE. I have sat through many labor disputes in negotiations which have lasted, not one or two nights; but several days and nights; and I know that men can be brought together much easier before the strike has occurred, rather than after the strike or shut-down has occurred.

Of course, in the case of seizure there comes a time when the seizure expires. When that occurs, if no settlement has been reached, the situation is right back where it was at the beginning, except by that time the men have become angry.

The same is true with respect to injunctions. When the injunction is applied, there is no real difference in the situation, except the men are angry.

Mr. LUCAS. I thank the Senator, and I agree with him, except to say that in rare cases of true emergency seizure may be necessary, however reluctant we may be to use it in view of its effects. For these rare cases seizure is preferable by far to the injunction.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. HUMPHREY. I should like to ask whether my colleague is familiar with the following observations made by the Federal Mediation and Conciliation Service:

> Parties unable to resolve the issues facing them before a dead-line date, when subject to an injunction order, tend to lose a sense of urgency and to relax their efforts to reach a settlement. * * * In most instances efforts of the Service to encourage the parties to bargain during the injunction period, with a view to early settlement, fall on deaf ears.

Is not that exactly what the senior Senator from Minnesota was pointing out?

Mr. LUCAS. There can be no question of that, and that is what I was trying to point out. I think the Senator has stated it in much better language. That is exactly the truth about the situation.

Mr. DONNELL. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. DONNELL. Along the line suggested by the question of the Senator from Minnesota, if the Senator from Illinois will turn to page 48 of the first annual report of the Federal Mediation and Conciliation Service, and will note the first full paragraph on that page, I should like to ask him a question. It relates to the three injunctions issued in connection with the maritime labor dispute, although there was only one dispute. Does the Senator agree with the statement of fact on page 48, reading as follows:

> After the issuance of the injunctions the Service continued its mediation efforts. On the Atlantic and Gulf coasts the bargaining efforts of the parties were profitably exerted and general settlements were achieved before September 1, 1948, the date of expiration of the injunction order. These settlements provided for the continuance of existing hiring practices pending judicial determination of their legality, and for wage increases and changes in certain working conditions. Settlements were also worked out with respect to the disputes on the Great Lakes.
>
> Bargaining negotiations on the Pacific coast were not profitably conducted, for the reasons set forth by the board of inquiry in its final report.

Does the Senator agree with those statements of fact?

Mr. LUCAS. The statements made were just as the Senator has read them.

Mr. DONNELL. The Senator asked the Senator from Ohio whether the board of inquiry would, in effect, decide whether the injunction should be sought.

I ask the Senator if this is not what the Taft-Hartley law provides, in section 206:

Such report—

That is the report of the board—

shall include a statement of the facts with respect to the dispute, including each party's statement of its position, but shall not contain any recommendations.

Is not that the provision of the Taft-Hartley Act?

Mr. LUCAS. Yes.

Mr. DONNELL. Then I ask the Senator, as bearing on the question of whether the President has any obligation to seek an injunction, or whether that is a discretionary matter, as the Senator from Ohio has suggested, if section 208 (a) of the Taft-Hartley Act does not read in this way:

Upon receiving a report from a board of inquiry—

I pause to say that the report shall not contain any recommendations—

The President may direct the Attorney General to petition any district court—

And so forth. Is not that entirely discretionary with the President?

Mr. LUCAS. That is the only way he can get an 80-day waiting period.

Mr. DONNELL. It is absolutely discretionary with the President and there is nothing mandatory upon him. Is not that correct?

Mr. LUCAS. That is true, but it is the only way he can get an 80-day waiting period in order to try to bring about an adjustment, under the present law and furthermore, the fact that Congress has given the President this remedy requires him to use it as a practical matter where the national health and safety are involved.

Mr. DONNELL. Mr. President, will the Senator yield for another question?

Mr. LUCAS. I yield.

Mr. DONNELL. It is left entirely discretionary with the President as to whether he will or will not ask for an injunction, is it not?

Mr. LUCAS. The Senator is correct.

Mr. President, I now yield the floor.

Mr. THOMAS of Utah. Mr. President, I am sure that there has been a full discussion of the amendment, and that we are ready to vote on it. I trust that the amendment will be supported, because there is no provision for injunctions in the Thomas bill, title III, relating to national emergencies. In order that we may vote, Mr. President, I suggest——

Mr. TAFT. Mr. President, will the Senator withhold his request for a quorum call, until the Senator from Florida submits another amendment, which will take precedence over the pending amendment?

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. THOMAS of Utah. I yield.

Mr. HOLLAND. Mr. President, before offering on behalf of myself and other Senators an amendment to the Thomas bill, I wish to say that I am very appreciative of the kindness of the distinguished senior Senator from Missouri in producing the names, courts, cases, numbers, and all the other essential information concerning six of the seven cases to which I adverted in addressing certain questions to the distinguished majority leader.

There were seven injunction cases covered by the questions of the junior Senator from Florida; but one——

Mr. THOMAS of Utah. Mr. President, I understood that I was to yield for the purpose of permitting the Senator to offer an amendment, not for the purpose of making a speech. That was the request.

The VICE PRESIDENT. The Senator yielded. There is no way by which the Chair can control the Senator's procedure after he once gets the floor.

Mr. HOLLAND. Mr. President, I apologize now, if the distinguished Senator was under a misapprehension, and I shall be very happy to yield the floor. But I want to tell the distinguished Senator that I expect to have brief remarks to make, after he has concluded and has yielded the floor. I would not under any circumstances accept his yielding of the floor, if he misunderstood the situation.

Mr. THOMAS of Utah. I suggest the absence of a quorum, in order that we may vote.

Mr. TAFT. Mr. President, if the Senator will withhold his request for a moment, it seems to me it is going to be impossible to vote tonight. The distinguished Senator from Florida is about to submit to the Thomas bill an amendment which takes precedence over the Lucas amendment. The Lucas amendment itself was not offered until today, and it has not yet been printed. The amendment of the Senator from Florida has not yet been printed, and I certainly would object to having any vote taken today on these amendments before any opportunity is given to discuss them.

As I understand, there is still considerable debate involved in both of them. I do not object, I could not object, of course, to a quorum call, but I do not think a quorum should be called under the impression that it is going to bring about an immediate vote on the Lucas amendment.

Mr. THOMAS of Utah. Mr. President, the reason I am suggesting the absence of a quorum, in accordance with my own remarks, is that I assumed the discussion had been completed upon the pending amendment. I, of course, have no objection to the offering of another amendment; I could not have, and I do not want to do that. If we are not ready to vote on the pending amendment, I am very much surprised, because I thought the discussion had been completed and that every Senator understood exactly what the pending amendment would accomplish.

Mr. TAFT. Mr. President, if the Senator will yield, I intend to speak at least half an hour on the Lucas amendment. I have not discussed the amendment at all as yet, and it is an amendment which of course proposes to kill the Taft amendment. The Senator is certainly very wrong in his idea that debate on this subject has come anywhere near to a close.

The VICE PRESIDENT. Even though the debate had been concluded on the pending amendment, any Senator could offer an amendment to the original Thomas substitute. The vote on that amendment would take precedence over a vote on either the Lucas or the Taft amendment. The Senator from Florida is recognized to offer his amendment, if he wishes to do so, at this time. The Chair will modify his observation to the extent of saying, if it applies to title III of the Thomas substitute.

Mr. HOLLAND. It does, Mr. President.

Mr. O'MAHONEY. Mr. President, will the Senator yield, so I may make an inquiry?

Mr. HOLLAND. I yield for a question.

Mr. O'MAHONEY. Mr. President, I have before me a privileged matter, a conference report on the Virgin Islands bill. It has just been adopted by the House, and my question is whether in the opinion of the Senator this would be an appropriate time for me to make a privileged motion for the adoption of a conference report. I think it will not involve discussion.

Mr. HOLLAND. Mr. President, the present time, or any time he sees fit, is an appropriate time for the distinguished chairman to make his motion for the consideration of a privileged matter. I shall be glad to yield with the understanding that I may be recognized when he concludes.

The VICE PRESIDENT. The Chair suggests that the House has not yet sent the papers to the Senate, and it is not now appropriate to make the motion.

Mr. O'MAHONEY. Mr. President, I think the Vice President has adequately answered my question. I thank the Vice President.

Mr. HOLLAND. Mr. President, if I may conclude the very brief remarks which I had intended to make upon the amendment of the Senator from Illinois, the distinguished majority leader, to the substitute offered by the senior Senator from Ohio, I should like to say that I am deeply grateful to my friend the senior Senator from Missouri, who, I am happy to see, has returned to the Chamber, because of his having come to the assistance of the junior Senator from Florida by bringing in the names of the cases, the courts in which they were pending, a description of the causes, and the affirmative statements not only of a dignified group in the Congress, but also of the head of the Conciliation Service, an official agency, in the matter of six of the injunction cases to which I referred in my series of questions propounded to the senior Senator from Illinois. The seventh injunction case was the railway case which, as we all know, was not brought under the provisions of the Taft-Hartley Act, so that the questions propounded by the junior Senator from Florida to the majority leader should have mentioned six injunction proceedings and six injunctions, rather than seven, the seventh case having been the railway injunction case which was not brought under the provisions of the Taft-Hartley Act.

Mr. President, with reference to those six cases, I think it has been abundantly and incontrovertibly shown by the documents introduced in the shape of various questions by the Senator from Missouri to the Senator from Illinois that not only were six injunctions issued under the

provisions of the Taft-Hartley Act, but that they were operative and effective, in the opinion not only of the joint committee of the Congress on this subject matter, but also in the opinion of the Director of the Conciliation Service, to protect the public interest effectively by preventing shut-downs during the entire period of time covered by each of those six injunctions.

Mr. DONNELL. Mr. President, will the Senator yield for a question?

Mr. HOLLAND. I yield.

Mr. DONNELL. Perhaps the Senator recalls—I would be unable, without some search of my papers, to be certain—whether it was not true, in one of those cases, namely, the mine workers case, in which an order was issued against the United Mine Workers, that in order to enforce the order of the court it proved to be necessary not only to make the order but to issue contempt proceedings and to fine Mr. Lewis and the union. I believe that is correct; is it not?

Mr. HOLLAND. The Senator is correct; and perhaps my earlier statement should be modified only to admit that in the coal case the perfect protection given to the public by the averting of stoppages in vital national industries throughout the life of those six injunctions should be confined to the time when, after the bringing of contempt proceedings, the coal mines were reopened by direction of Mr. Lewis.

Mr. President, I am simply making this point at this time because it was so crystal-clear, and I think it should be made clear over and over again, in the minds of Senators and in the minds of the public, that the injunctions were not issued to force settlements or to give mandates either to labor or to employees to make settlement on some fixed basis or on any basis, but that the principal reason for the issuance of those injunctions, which was effectively realized in each of the six cases, was the protection of the vital national interest, in that during the full period of those injunctions and up to the time of their expiration, in each case the public was protected by keeping those industries open, running, and subserving vital national purposes and rendering vital national services.

Mr. President, the Senator from Illinois showed very clearly that he has jumped to one of those conclusions which is most responsible for the discrediting of the use of the injunction, in that his whole argument was addressed to an effort to show that injunctions had meant nothing and did not accomplish anything, simply because, in his opinion, there were cases in which settlements were not made during the period of the injunction.

The distinguished Senator from Illinois has completely misunderstood the purpose of the injunction and its use under the Taft-Hartley Act under which the vital national interest is recognized and protected for the limited period of time covered by the injunction. There is no Senator present who can say or who will attempt to say that, except for that brief period of a very few days in the very beginning of the whole period covered by the coal injunction, there was anything but perfect protection of the public interest of the Nation as against the stoppages in the vital national industries which threatened, throughout the period covered by those injunctions. That was and is, of course, the first purpose of the use of the injunction. It is not sought through the injunctive process to force labor or employers to make any specific settlements. It is not sought to visit the mandate of the Department of Justice or of the President of the United States or of the Emergency Board upon the industry which is affected, by saying, "You must make a settlement within a fixed time," or "you must make such and such a settlement." On the contrary, the principal objective is to protect the vital national interest against stoppages which cause damage throughout the Nation whenever they occur.

Mr. President, in my humble judgment, the inclusion of the injunctive feature in the original Taft-Hartley law has been thoroughly justified and vindicated not only by the effective results accomplished in the six cases mentioned, but particularly—and let anyone who thinks otherwise prepare to answer this—particularly by reason of the fact that the distinguished President of the United States, having available all, or practically all, of the little wrist-slapping machinery which is involved in the provisions of the Thomas bill, found, in his judgment, that it was necessary for him to do something which he did not want to do, which he had made very clear by his attitude in vetoing the Taft-Hartley Act that he did not care to do. He found it was necessary, in the public interest and in the discharge of his responsibility as Chief Executive of the Nation, if he wanted to save the public from suffering, to resort to the use of the injunction in six cases. I say it will be very difficult, if not impossible, to make any reasonable, thinking citizen of this Nation come to the conclusion that the inclusion of the injunction in the Taft-Hartley Act was not desirable, was not necessary, and did not prove to be such, when the President himself had to turn to the use of that tool, which he did not care to use, if he could avoid it, and, through the use of it, he accomplished the salutary objective which he felt should be accomplished in the national interest.

Whether we want it to be so or not, we are facing exactly the same situation we faced in 1947. That situation is this: Are we going to place first the interests of employers or of employees, or of any group of citizens less than the whole citizenship of the Nation? So far as I am concerned, I say to the Senate that in my judgment anything less than effective machinery left in the hands of the Chief Executive, through the use of which he can give protection to the public, as against shutdowns in vital national industries, is going to be unworthy of passage and approval by the Senate and by the Congress. I hope that none of us for a moment will consider going away from here leaving the President without tools with which to approach a problem of magnitude, and leaving the Nation without the protection of those tools which it so badly needs when shutdowns threaten in vital national industries.

Mr. DONNELL. Mr. President, will the Senator yield?

Mr. HOLLAND. In a moment. I have one further thought I should like to express.

Let no Senator come to the conclusion that members of labor throughout the Nation by the tens of thousands do not know that, so far as they are concerned, they are the first people who are hit when there is a shut-down in a vital national industry. When John L. Lewis closes the coal mines he aims a blow, not merely at the miners where the walk-out occurs, not merely at the employers who have a shut-down, not merely against the local communities where the people live and where the mines are located, but he aims a dangerous blow at the business, at the existence, at the living, of people throughout the Nation, because within a few hours after such a shut-down there have to be embargoes by the railroads on the movement of vital freight, there have to be all kinds of plans for laying off men in industries, both the heavy and the light industries, there have to be many retrenchments, all of which hit the men on the pay rolls first, and hit their ability to continue to sustain their families and their homes and their firesides. Any Senator who permits himself to think that the working people of America do not recognize that fact is indeed "kidding" himself, because they do recognize it.

Mr. President, any Senator who thinks that the working people do not distinguish between the kind of injunction we are discussing in this debate, the kind of injunction provided for in the Taft-Hartley law, and the injunctions which in some instances prevailed before the Norris-LaGuardia Act, are "kidding" themselves, too, because I say from many direct approaches which I have had from working people, who are among my best friends, that they know beyond any peradventure of doubt that the injunction which is involved here is no kin to the other, although it happens to have the same name, because this kind of injunction is issuable only after the Emergency Board has acted, only after the President of the United States decides that a national vital industry is at stake, and that great harm would be done to the Nation unless there were an injunction. It is issued only after the Attorney General of the United States, who represents you and me and every other citizen in this good Nation, goes before a court to prove his case—the highest court he can reach in responsibility and experience, and in ability to satisfy all the exacting requirements of hearing this kind of a case and doing justice. I call attention to the fact that that is the kind of court to which the Attorney General has gone, and there is not the slightest doubt in the world in the mind of any intelligent American that the President and the Attorney General will continue to insist in the future, regardless of who is President and regardless of who is Attorney General, upon carrying this kind of vital national litigation before only justices of the highest standing, of the highest reputation, justices whose judgment cannot

be in any sense decried as coming from an inferior or a prejudiced or a partial source.

Mr. DONNELL. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield to the Senator from Missouri.

Mr. DONNELL. I appreciate the Senator yielding, and I dislike to interrupt him, but he was making such a clear point of the fact that the President, although opposed to the injunction idea, although he vetoed the Taft-Hartley bill, nevertheless appealed to its provisions and followed it in the injunction, that I am led to ask this question: Does not the Senator agree with me that the President in so doing had the entire option, under the Taft-Hartley law, either to direct his Attorney General or not to do so? There is no compulsion in the Taft-Hartley law requiring the President to take any such action, is there?

Mr. HOLLAND. There is no compulsion whatsoever.

Mr. DONNELL. In other words, the President exercised his own free will and choice, and himself determined, without any compulsion whatsoever under the terms of the Taft-Hartley law, that it was advisable to direct the Attorney General to seek the injunction. That is correct, is it not?

Mr. HOLLAND. That is correct.

Mr. DONNELL. I ask the Senator if it is not equally true, under the language of his own amendment, and certainly of the Taft amendment, that likewise it is left entirely to the discretion of the President to take that action if he desires or not to take it if he desires.

Mr. HOLLAND. It is not only correct that under the Taft substitute the President is given discretion as to whether he would proceed, but it is correct that the court is given some discretion as to which of two alternatives may be followed.

Mr. DONNELL. In addition to that, is it not true that under the Taft-Hartley law, and, indeed, under the Taft amendment, leaving out the seizure question for a moment, in addition to the President making the determination of his own free will and accord, in addition to the petition to the court by the Attorney General at the direction of the President, the court does not have any authority arbitrarily to issue an injunction, but can do so only if the court finds—and I emphasize the word "finds"—that a strike or lock-out is threatened which affects an entire industry, or a substantial part thereof, engaged in trade, commerce, transportation, or communication among the several States or with foreign nations, or engaged in the production of goods for commerce, and which if permitted to occur or to continue will imperil the national health or safety? In other words, the court has no arbitrary right; it must, in order to have jurisdiction to issue an injunction, have first made those findings. Am I not correct?

Mr. HOLLAND. The Senator is exactly correct. The facts must be established to the satisfaction of a judge of high experience and proven character, and to a sufficient degree to satisfy the demands of his conscience, which would be very high demands when he knows he is sitting upon a matter of such vital concern.

Mr. DONNELL. I thank the Senator.

Mr. THOMAS of Utah. Mr. President, will the Senator yield for a question?

Mr. HOLLAND. I yield to the Senator from Utah.

Mr. THOMAS of Utah. As I understand the Senator's projected amendment, it will merely, to make it very brief, put the injunction process into title III of the Thomas bill, just as the amendment of the Senator from Illinois to the Taft substitute would have withdrawn or taken away the injunctive process from the Taft substitute, and the vote would have been clear-cut. If a Senator does not like the injunction, he will vote, of course, for the Lucas amendment. If a Senator likes the injunction and wants to retain the injunction, then his vote will be for the amendment of the Senator from Florida. So that in either case the voting process is very clear-cut. Is that correct?

Mr. HOLLAND. I think the voting process will be clear-cut. I cannot agree unequivocally with the question as phrased, because I think the amendment offered by the Senator from Illinois still has implicit in its provisions the possibility, nay, the certainty, of the availability of the injunction after seizure, which is not sought to be precluded by the terms of the amendment of the Senator from Illinois.

So that there is in his case no clear choice between injunction and seizure; whereas in the case of the amendment which other Senators and I propose now to offer, and which I have not as yet had an opportunity to discuss, briefly, a clear choice will be presented. The amendment, I may say, is addressed to the original bill, the bill which bears the honored name of the distinguished senior Senator from Utah, the Thomas bill.

Mr. THOMAS of Utah. Then may I ask, is there any attempt to insert seizure into the Thomas bill?

Mr. HOLLAND. There is none.

Mr. President, I was glad to yield to the Senator from Utah, though I have not yet gotten around to the point of sending forward and offering the amendment, which is offered for the Senator from North Carolina [Mr. HOEY], the Senator from Ohio [Mr. BRICKER], the Senator from Kansas [Mr. SCHOEPPEL], and myself.

Under the terms of the amendment it would be sought to use only the injunction as a tool in connection with national emergency matters, and the other provisions already embraced in the so-called Taft substitute would be continued. That is to say, under the proposed amendment offered by the three distinguished Senators whom I have mentioned, and the junior Senator from Florida, it would be sought to amend the Thomas bill by adding as an amendment to title III of that bill a provision which would engraft upon the Thomas bill only that portion of the so-called Taft substitute which is left after entirely subtracting all that has to do with seizure.

There are provisions in the Taft substitute which are changes suggestive of the Taft-Hartley Act, such as for instance a cutting of the period to be covered by injunction from 80 days to 60 days, which is left in the amendment which I shall send forward; and also the doing away with the final vote.

As I understand, that provision keys in with the reduction of time from 80 days to 60 days. There are perhaps other minor differences, such as the granting of power to the Board to make recommendations, which would be still included within the provisions of the amendment about to be sent forward.

Mr. President, it is now 5:15 p. m. I have not had the chance to see the amendment offered by the Senator from Illinois. No one else, other than its sponsors, has had a chance to see the amendment which I shall now send forward. It would seem to me that if it meets with the approval of the majority leader, it would be a fair approach to the question for us to allow both these amendments to be printed overnight, and resume the debate in the morning. It would be entirely agreeable to me if the time of the convening of the Senate, in the judgment of the majority leader and of the Senate be brought up to 11 o'clock, or earlier. But I think that the printing of the amendment, so that the actual text should be available to each Senator, would make the debate much easier. For that reason I suggest that there now be a recess taken until tomorrow.

I send forward the amendment, and ask for its adoption.

The VICE PRESIDENT. Does the Senator desire to have the full amendment read at this time, or printed in the RECORD?

Mr. HOLLAND. If my suggestion to the effect that we recess until tomorrow meets with the approval of the Senate, I should much prefer to have the amendment simply printed in the RECORD.

The VICE PRESIDENT. Without objection, the amendment will be received and printed in the RECORD at this point.

The amendment is as follows:

SEC. 302. (a) After issuing such a proclamation, the President shall promptly appoint a board to be known as an "emergency board."

(b) Any emergency board appointed under this section shall promptly investigate the dispute, shall seek to induce the parties to reach a settlement of the dispute, and in any event shall, within a period of time to be determined by the President but not more than 30 days after the issuance of the proclamation, makes a report to the President, unless the time is extended by agreement of the parties, with the approval of the board. Such report shall include the findings and recommendations of the board and shall be transmitted to the parties and be made public. The Director of the Federal Mediation and Conciliation Service shall provide for the board such stenographic, clerical, and other assistance and such facilities and services as may be necessary for the discharge of its functions.

(c) An emergency board shall be composed of a chairman and such other members as the President shall determine, and shall have power to sit and act in any place within the United States and to conduct such hearings either in public or in private, as it may deem necessary or proper, to ascertain the facts with respect to the causes and circumstances of the dispute.

(d) Members of an emergency board shall receive compensation at the rate of $50 for each day actually spent by them in the work of the board, together with necessary travel and subsistence expenses.

(e) For the purpose of any hearing or inquiry conducted by any board appointed under this title, the provisions of sections 9 and 10 (relating to the attendance of witnesses and the production of books, papers, and documents) of the Federal Trade Commission Act of September 16, 1914, as amended (U. S. C. 19, title 15, secs. 49 and 50, as amended), are hereby made applicable to the powers and duties of such board.

(f) Each emergency board shall continue in existence after making its report for such time as the national emergency continues for the purpose of mediating the dispute, should the parties request its services. When a board appointed under this section has been dissolved, its records shall be transferred to the director of the Federal Mediation and Conciliation Service.

(g) A separate emergency board shall be appointed for each dispute. No member of an emergency board shall be pecuniarily or otherwise interested in any organization of employees or in any employer involved in the dispute.

SEC. 303. (a) At any time after issuing a proclamation pursuant to section 301 the President may submit to the Congress for consideration and appropriate action a full statement of the case together with such recommendations as he may see fit to make.

(b) In any case in which a strike or lock-out occurs or continues after an emergency board has made its report the President shall submit to the Congress for consideration and appropriate action a full statement of the case, including the report of the emergency board and such recommendations as he may see fit to make. If the Congress or either House thereof shall have adjourned sine die or for a period longer than 3 days, he shall convene the Congress, or such House, for the purpose of consideration of and appropriate action pursuant to such statement and report.

SEC. 304. (a) After issuing a proclamation pursuant to section 301 the President may direct the Attorney General to petition any district court of the United States having jurisdiction of the parties to enjoin such strike or lock-out or the continuing thereof, and if the court finds that such threatened or actual strike or lock-out—

(i) affects an entire industry or a substantial part thereof engaged in trade, commerce, transportation, transmission, or communication among the several States or with foreign nations, or engaged in the production of goods for commerce; and

(ii) if permitted to occur or to continue, will imperil the national health or safety, it shall have jurisdiction to enjoin any such strike or lock-out, or the continuing thereof, and to make such other orders as may be appropriate.

(b) In any case, the provisions of the act of March 23, 1932, entitled "An act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes," shall not be applicable.

(c) The order or orders of the court shall be subject to review by the appropriate circuit court of appeals and by the Supreme Court upon writ of certiorari or certification as provided in section 1254 of title 28 of the United States Code.

SEC. 305. (a) Whenever a district court has issued an order under section 304 enjoining acts or practices which imperil or threaten to imperil the national health or safety, it shall be the duty of the parties to the labor dispute giving rise to such order to make every effort to adjust and settle their differences.

(b) At the end of a 60-day period following the issuance of a proclamation pursuant to section 301 or upon a settlement being reached, whichever happens sooner, the Attorney General shall move the court to discharge the injunction, which motion shall then be granted and the injunction discharged.

SEC. 306. When a dispute arising under this title has been finally settled, the President shall submit to the Congress a full and comprehensive report of all the proceedings, together with such recommendations as he may see fit to make.

SEC. 307. The provisions of this title shall not be applicable with respect to any matter which is subject to the provisions of the Railway Labor Act, as amended from time to time.

Mr. WITHERS. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. WITHERS. Does the amendment provide for an injunction?

Mr. HOLLAND. Yes, for an injunction for a 60-day period under the exact provisions, so far as injunction is concerned, that are already embraced in the so-called Taft substitute.

Mr. WITHERS. Mr. President, will the Senator yield for a further question?

Mr. HOLLAND. I yield.

Mr. WITHERS. Does the Senator think that an injunction is fully effective in such cases?

Mr. HOLLAND. Answering that question, I shall have to say that, based upon the results accomplished in the six cases under which in the the administration of the Taft-Hartley Act the injunction has been used, it has been completely effective in the carrying out of its principal objective, which is to prevent a shut-down during the period of injunction, except that in the Coal case there was a period of a few days between the issuance of the injunction and the compliance by the defendant, Lewis, with the contempt order, in which the protection of the public interest was not given.

Mr. WITHERS. Does the Senator know in how many of those cases injunction was not fully effective?

Mr. HOLLAND. In answering that question, Mr. President, I should like to say that in my judgment the distinguished Senator is making the identical mistake which has been made already this afternoon by the distinguished senior Senator from Illinois, in that he is interpreting the injunction as having been granted under the Taft-Hartley Act to compel a settlement or to force or suggest a settlement, whereas in my humble judgment—and I participated in the debate and in the votes at the time of the adoption of that measure—the principal objective was to protect the public of the United States against the shut-down of vital national industries throughout the time of operation of the injunction, and with the sole exception which I noted, in the Coal case, I will say to the Senator that that principal objective was effectively gained in all six cases in which the injunction was issued.

Further answering the Senator I may say that I am fully acquainted with the facts, which the Senator doubtless has in mind, with reference to the time of settlement, when settlements were actually attained between employees and employers in the matters in which the injunctions were issued. But I respectfully call to the attention of the Senator that the making of settlement is something which is not sought to be forced by the injunction, but that, to the contrary, what is sought to be enforced is the giving of needed protection to the public, which was effectively attained.

I call further to the attention of the distinguished Senator that every one of the cases was either settled while the injunction was pending, or very shortly thereafter, that is, within a period of just a few days, during which no national injury could be sustained, except in the case of one of the maritime strikes, in which case the settlement was too prolonged.

Mr. WITHERS. Does the record show that three of those cases were not settled, and that only three were settled?

Mr. HOLLAND. I am fully acquainted with the facts as shown by Mr. Ching's report, by Mr. Ching's testimony as appears in volume I of the six volumes of printed hearings on this matter, and by the extensive argument which has taken place this afternoon on the floor of the Senate in the absence of the distinguished junior Senator from Kentucky.

Mr. WITHERS. Mr. President, I should like to ask the Senator from Florida if he did not hear the Senator from Ohio [Mr. TAFT] state that injunction had been effective only in three cases, and might have helped in two others, but in one of them it was a detriment to settlement?

Mr. HOLLAND. The Senator is again slipping into error which has already been made today.

Mr. WITHERS. No; I am not slipping. I am quoting the Senator from Ohio.

Mr. HOLLAND. The fact of the matter is that the injunctions were completely effective in giving protection to the Nation through the injunctive period, except for one small period of time in the coal case, between the issuance of the injunction and the compliance with the contempt proceedings.

Now the Senator from Kentucky has a point in his question which I gladly accede to, namely, that in certain of the cases settlements were not made until after the injunction had expired. But I again restate my answer already given, that in those cases settlements came so shortly after the period of expiration of the injunctions, that no material harm to the Nation could be accomplished in that short period of time: except in the one case where the settlement was long deferred after the injunction period had elapsed.

Mr. WITHERS. But before those three cases of which the Senator speaks were settled, the effective time of the injunction had expired? The injunction then had no effect?

Mr. HOLLAND. Let me say that neither I nor, I believe, any other Senator, nor any Member of the House of Representatives of the some hundreds who voted for the act, would have voted for it at all if its purpose was to try to ram down the throats of anybody, whether employee or employer, any fixed settlement, or to say, with the force of a public mandate, that a fixed settlement had to be reached within the 80-day period of time. So the Senator's question

is based upon an entirely incorrect premise, and I stand upon the answers which I have already made.

Mr. DOUGLAS. Mr. President, will the Senator from Florida yield for a clarifying question?

Mr. HOLLAND. I am very happy to yield.

Mr. DOUGLAS. Do I correctly understand the amendment of the Senator from Florida and his colleagues to provide that in the case of so-called national emergency strikes the injunction, and only the injunction, is to be used?

Mr. HOLLAND. No; not at all. The injunction is only one of two of the mandatory remedies which are provided by the Taft substitute, namely, injunction and seizure. It is the only one which is left.

Mr. DOUGLAS. Seizure is eliminated, and the injunction is retained. Am I correct?

Mr. HOLLAND. That is correct; but everything else that was included within the purview of the so-called Taft substitute will still be found within the provisions of the amendment which we offer.

Mr. DOUGLAS. But the fundamental weapon is the injunction.

Mr. HOLLAND. If the Senator means by the use of "fundamental" the only weapon by which the vital national interest can be protected by keeping in operation industries which vitally affect the national welfare, even though employers are willing to lock-out and even though employees are willing to strike, yes. It is the only weapon which has any compulsory force, and then only for a period of 60 days.

Mr. DOUGLAS. In other words, the amendment of the distinguished Senator from Florida is the converse of the amendment of my colleague from Illinois [Mr. LUCAS], in that while the Lucas amendment would have eliminated injunctions from the Taft substitute, and would have left only seizure to be treated at a later time, the Senator from Florida would put the injunction into the Thomas proposal from the very beginning.

Mr. HOLLAND. In general the statement embodied in the question of the Senator is correct, but I should make one statement as to a possible difference, and that is that, as I understand, the right of injunction after seizure is much more fully established than the right of seizure after injunction.

Mr. DOUGLAS. In other words, the issue will be clearly and sharply drawn on the Holland amendment. Senators who favor the use of the injunction in cases of national emergency should vote for the Holland amendment; and Senators who are opposed to the use of the injunction in national emergencies should vote against the Holland amendment.

Mr. HOLLAND. I think the Senator has correctly stated the situation; but I repeat that, whereas in the amendment of the distinguished Senator from Illinois the injunction still hovers in the background, because our courts have clearly stated that when there is seizure and operation by the Government the injunction will lie, I do not understand that there is any such clear case or precedent in connection with the use of national seizure in the event injunction were used under the provision offered by the Senator from North Carolina [Mr. HOEY], the Senator from Ohio [Mr. BRICKER], the Senator from Kansas [Mr. SCHOEPPEL], and myself.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. TAFT. Is there any authority whatever for the claim that the President has any right of seizure, particularly in view of the provision of the fifth amendment that no person's property shall be taken without due process of law?

Mr. HOLLAND. If there be any authority on that point, so far as the junior Senator from Florida is advised, it flows from the opinion of the Attorney General of the United States. I know of no court authority on the subject.

Mr. MAGNUSON. Mr. President, I wonder if the Senator will yield so that I may place an important matter in the RECORD.

Mr. HOLLAND. Mr. President, I am ready to yield the floor.

The VICE PRESIDENT. The Senator from Florida yields the floor.

EXTENSION OF AUTHORITY OF MARITIME COMMISSION TO SELL, CHARTER, OR OPERATE VESSELS

Mr. MAGNUSON. Mr. President, on the calendar is a bill which would extend the authority of the Maritime Commission to sell, charter, or operate vessels. It was objected to on the call of the calendar 2 days ago. I have made inquiry of the Maritime Commission as to what would happen if this authority were not extended on June 30. I hope to be able to bring this question up tomorrow or the next day, because of its importance.

At this time I ask unanimous consent to have printed in the RECORD at this point as a part of my remarks a letter from the Maritime Commission which states very clearly what will happen if this authority is not extended.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

UNITED STATES MARITIME COMMISSION,
Washington, June 22, 1949.

The Honorable WARREN G. MAGNUSON,
United States Senate.

MY DEAR SENATOR MAGNUSON: Pursuant to your verbal request of yesterday afternoon, I wish to briefly outline the effect upon the Commission's chartering activities in the event House Joint Resolution 235 is not enacted.

In the Alaskan Service, it is anticipated that, to adequately serve a minimum requirement of service between continental United States ports and Alaska, there will be 18 Government-owned war-built vessels under charter as at July 1, 1949. Privately owned American tonnage engaged in the Alaskan service at the moment is limited to seven steamships (of which four are combination passenger-cargo vessels with a limited cargo capacity), which would be all that would be immediately available at the peak season of transportation in the Alaskan service in the event House Joint Resolution 235 is not enacted. This would not meet the minimum requirements of the Territory.

In the coastwise and intercoastal trades, it is expected that 49 vessels will be under charter as at July 1, 1949. It is deemed essential that chartered vessels in these trades should be continued because the operators in these trades do not at the present time own sufficient vessels successfully to reestablish proper operation and service in these highly essential trades. For example, in the intercoastal trade, private tonnage does not exceed 19 vessels, whereas 41 of the 49 vessels anticipated to be under charter in the coastwise and intercoastal trades will be required adequately to service the intercoastal trades. It might be added that, of the privately owned vessels presently operating in the intercoastal trades, all but a very few are industrial carriers, and while they operate as common carriers, their principal business is the transportation of sulfur, lumber, and steel.

In the berth-liner operations of our foreign trade, it is anticipated that, as at July 1, 1949, 100 Government-owned vessels will be under charter to private American lines. These chartered vessels, supplementing privately owned tonnage, provide service over and above that believed necessary adequately to cover normal requirements.

Including approximately 100 vessels under subcharter to the Army by private charterers, the Commission anticipates there will be 214 Government-owned war-built vessels under charter as at July 1, 1949, engaged in bulk trading. In the event House Joint Resolution 235 is not enacted, available information indicates that there is not a sufficient number of privately owned vessels now available to transport the current foreign commerce of the United States. The Commission considers it essential that there should be a continuation of its authority to charter these Government-owned war-built vessels to the extent found necessary to provide transportation at reasonable rates.

While at present the vessels subchartered by bare-boat-charter operators to the Army are used primarily in the transportation of bulk commodities to occupied areas, withdrawal of the Commission's charters to the operators by failure of continuation of charter authority in the Commission will result, it is believed, in a request by the Army Transport Service to transfer directly from the Commission's fleet to the Department of the Army sufficient tonnage to enable the Army Transport Service to continue its present requirements for transportation to occupied areas.

Failure to continue the authority of the Commission to sell, charter, and operate vessels beyond June 30, 1949, would cancel the Commission's authority to sell war-built vessels. The Commission believes that such authority should be extended at least as long as its authority to charter such vessels. It has been estimated that approximately 60 additional war-built vessels may be sold during the fiscal year 1950 at sales prices in excess of $30,000,000.

Further, it should be pointed out that the charter operations of the Maritime Commission are producing a revenue to the Treasury of the United States approximating at this time $3,000,000 per month. At the same time, these operations produce no detrimental competition with privately owned vessels.

The elimination of this charter authority would simply mean:

(a) inadequate service to Alaska,

(b) disruption of domestic services,

(c) transportation of a much larger portion of our commerce in foreign-flag vessels, and

(d) the probable transfer of vessels from the Maritime Commission to the Army to be operated as Army transports. Such transferred vessels would replace vessels at present under sub-charter to the Army by bare-boat charterers of Government-owned war-built vessels.

The Commission has so exercised its chartering authority and will continue so to exercise that authority with appropriate limitations and restrictions as to prevent detrimental competition on the part of charterers of Government-owned vessels with privately owned United States flag vessels.

Identical letter is addressed to Senator BREWSTER at his request. Copies are being sent to Judge Bland, Chairman, Merchant Marine and Fisheries Committee of the House, and Senator JOHNSON, Chairman, Interstate and Foreign Commerce Committee of the Senate.

Sincerely,

PHILIP B. FLEMING,
Chairman.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. TAFT. Is the bill which the Senator hopes to bring up on the calendar?

Mr. MAGNUSON. It is now on the calendar. It was objected to at the last call of the calendar.

MESSAGE FROM THE HOUSE

A message from the House of Representative, by Mr. Maurer, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2989) to incorporate the Virgin Islands Corporation, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses to the amendments of the Senate to the bill (H. R. 3333) making appropriations for the Department of Labor, the Federal Security Agency, and related independent agencies, for the fiscal year ending June 30, 1950, and for other purposes, and that the House had receded from its disagreement to the amendments of the Senate numbered 25 and 39 to the bill, and concurred therein, each with an amendment, in which it requested the concurrence of the Senate.

VIRGIN ISLANDS CORPORATION—CONFERENCE REPORT

Mr. O'MAHONEY submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 2989) to incorporate the Virgin Islands Corporation, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "That, in order to promote the general welfare of the inhabitants of the Virgin Islands of the United States through the economic development of the Virgin Islands, there is hereby created a body corporate to be known as the Virgin Islands Corporation, hereinafter referred to as the 'Corporation.' The Corporation shall be subject to the general direction of the President of the United States, or the head of such agency as he may designate as his representative.

"SEC. 2. The Corporation shall have its principal offices in the Virgin Islands and in the District of Columbia and shall be deemed, for purposes of venue in civil actions, to be an inhabitant of each of these jurisdictions. The Corporation may establish offices in such other place or places as it may deem necessary or appropriate in the conduct of its business.

"SEC. 3. Subject to the provisions of the Government Corporation Control Act, the Corporation is authorized to engage in the following activities when it finds that such activities will further the purposes of this act and will not conflict with the encouragement and promotion of private enterprise in the Virgin Islands:

"(a) To examine, investigate, and conduct research and experimentation in the marketing, distributing, advertising, and exporting of products or resources of the Virgin Islands, and to make known the results of such activities.

"(b) To encourage and promote the investment of private capital in industrial, agricultural, commercial, or related enterprises, undertakings, or activities in the Virgin Islands. Insofar as may be possible without jeopardizing the maximum development of the industrial, agricultural, commercial, and related resources of the Virgin Islands for the public good, the Corporation shall formulate its policies so as to encourage and promote the investment of capital owned by residents of the Virgin Islands.

"(c) To engage in land-use planning to the end that the most economic and socially beneficial use may be made of the soil of the Virgin Islands, and to encourage and assist private persons and organizations to act in accordance with the results of such planning.

"(d) To encourage and engage in the business of providing, whenever adequate facilities are not otherwise available, transportation for persons and property between the Virgin Islands and to and from the Virgin Islands, Puerto Rico, and Tortola.

"(e) To encourage, promote, and develop, and to assist in the encouragement, promotion, and development of, tourist trade in the Virgin Islands.

"(f) To encourage the establishment and development of small farms and small-farm communities in the Virgin Islands, and, for that purpose, to construct, equip, improve, and supervise such small farms or communities and to give other assistance to them.

"(g) To make loans to any person for the establishment, maintenance, operation, construction, reconstruction, repair, improvement, or enlargement of any industrial, commercial, agricultural, or related enterprise, undertaking, or activity in the Virgin Islands whenever such loans are not available from private sources. All loans so made shall be of such sound value or so secured as reasonably to assure repayment, taking into consideration the policy of the Congress that the lending powers of the Corporation shall be administered as a means for accomplishing the purposes stated in section 1 of this act, and shall bear interest at a rate not exceeding 6 percent per annum. It shall be the general policy of the Corporation to establish interest rates on loans, subject to the foregoing limitations, that, in the judgment of the Board of Directors, will at least cover the interest cost of funds to the United States Treasury, other expenses of the lending activities of the Corporation, and a risk factor which, over all, should provide for losses that may materialize on loans. The loans made under the authority of this paragraph outstanding at any one time shall not exceed a total of $5,000,000.

"(h) To establish, maintain, operate, and engage in, upon its own account, any appropriate enterprise, undertaking, or activity for the development of the industrial, commercial, mining, agricultural, livestock, fishery, or forestry resources of the Virgin Islands: *Provided*, That the Corporation shall not engage in the manufacture of rum or other alcoholic beverages.

"SEC. 4. The Corporation shall have, and may exercise, the following general powers in carrying on the activities specified in section 3 of this act:

"(a) To have succession until June 30, 1959, unless sooner dissolved by act of Congress.

"(b) To adopt, alter, and use a corporate seal, which shall be judicially noticed.

"(c) To adopt, amend, and repeal bylaws governing the conduct of its business, and the performance of the powers and duties granted to or imposed upon it by law.

"(d) To sue and to be sued in its corporate name.

"(e) To determine the character of and the necessity for its obligations and expenditures and the manner in which they shall be incurred, allowed, and paid, subject to the laws applicable specifically to Government corporations.

"(f) To acquire, in any lawful manner, any property—real, personal, or mixed, tangible or intangible—to hold, maintain, use, and operate the same; and to sell, lease, or otherwise dispose of the same, whenever any of the foregoing transactions are deemed necessary or appropriate to the conduct of the activities authorized by this act, and on such terms as may be prescribed by the Corporation.

"(g) To enter into and perform such contracts, leases, cooperative agreements, or other transactions with any agency or instrumentality of the United States, or with any State, Territory, or possession, or with any political subdivision thereof, or with any person, firm, association, or corporation, as may be deemed necessary or appropriate to the conduct of the activities authorized by this act, and on such terms as may be prescribed by the Corporation: *Provided*, That in no case shall the Corporation contract to undertake an activity for any agency or instrumentality of the United States, or for any State, Territory, or possession, or for any political subdivision thereof, unless the latter is authorized by law to undertake such activity and furnishes the funds for such purpose.

"(h) To execute all instruments necessary or appropriate in the exercise of any of its functions.

"(i) To appoint, without regard to the provisions of the civil-service laws, such officers, agents, attorneys, and employees as may be necessary for the conduct of the business of the Corporation; to delegate to them such powers and to prescribe for them such duties as may be deemed appropriate by the Corporation; to fix and pay such compensation to them for their services as the Corporation may determine, without regard to the provisions of the classification laws except to the extent that these laws may be extended to the Corporation by the President of the United States; and to require bonds from such of them as the Corporation may designate, the premiums therefor to be paid by the Corporation. In the appointment of officials and the selection of employees for said Corporation, and in the promotion of any such officials or employees, no political test or qualification shall be permitted or given consideration, but all such appointments and promotions shall be given and made on the basis of merit and efficiency. Any member of said board who is found by the President of the United States or his representative to be guilty of a violation of this section shall be removed from office by the President of the United States, and any appointee of said board who is found by the board to be guilty of a violation of this section shall be removed from office by said board. Persons employed by the Corporation shall not be included in making computations pursuant to the provisions of section 607 of the Federal Employees Pay Act of 1945, as amended. The Corporation shall give due consideration to

residents of the Virgin Islands in the selection and promotion of its officers and employees.

"(j) To use the United States mails in the same manner and under the same conditions as the executive departments of the Federal Government.

"(k) To have, in the payment of debts out of bankrupt or insolvent estates, the priority of the United States.

"(l) To accept gifts or donations of services, or of property—real, personal, or mixed, tangible or intangible—in aid of any of the activities authorized by this act.

"(m) To settle and adjust claims held by it against other persons or parties and by other persons or parties against the Corporation.

"(n) To take such actions as may be necessary or appropriate to carry out the powers and duties herein or hereafter specifically granted to or imposed upon it.

"SEC. 5. The Corporation in carrying on the activities authorized by this act shall utilize, to the extent practicable, the available services and facilities of other agencies and instrumentalities of the Federal Government or of the government of the Virgin Islands; and shall not engage in any undertaking which substantially duplicates an undertaking previously initiated and currently being prosecuted within the Virgin Islands by any such agency or instrumentality.

"SEC. 6. (a) The Corporation is authorized to obtain money from the Treasury of the United States, for use in the performance of the powers and duties granted to or imposed upon it by law, not to exceed a total of $9,000,000 outstanding at any one time. For this purpose appropriations not to exceed $9,000,000 are hereby authorized to be made to a revolving fund in the Treasury. Advances shall be made to the Corporation from the revolving fund when requested by the Corporation. Not to exceed a total of $2,750,000 shall be appropriated under any authority contained in this act for the period ending June 30, 1951, comprising the fiscal years 1950 and 1951.

"(b) As the Corporation repays the amounts thus obtained from the Treasury, the repayments shall be made to the revolving fund.

"SEC. 7. (a) The Corporation is hereby authorized to use its funds, from whatever source derived, in the exercise of its corporate powers and functions: *Provided, however*, That the Corporation shall not undertake any new types of activities or major activities not included in the budget program submitted to the Congress pursuant to section 102 of the Government Corporation Control Act, except when authorized by legislation enacted by the Congress after said program is submitted, or except, when the Congress is not in session, upon finding made by the Corporation and approved by the President of the United States that an emergency exists which justifies the undertaking of new types of activities authorized by this act, but not included in the budget program. Such finding and emergency action shall be reported to the Congress by the President, and appropriations for the expenses of such emergency action are hereby authorized.

"(b) The Corporation shall pay into the Treasury as miscellaneous receipts interest on the advances from the Treasury provided for by section 6 (a) of this act; on that part of the Government's investment represented by the value, at the time of transfer of the property and other assets transferred, less the liabilities assumed, pursuant to section 10 of this act; and on the net value, as approved by the Director of the Bureau of the Budget, of any property and assets, the ownership of which hereafter may be transferred by the Government to the Corporation without cost, or for consideration clearly not commensurate with the value received. The Secretary of the Treasury shall determine the interest rate annually in advance, such rate to be calculated to reimburse the Treasury for its cost, taking into consideration the current average interest rate which the Treasury pays upon its marketable obligations.

"(c) The Corporation shall after June 30, 1949, contribute to the civil-service retirement and disability fund, on the basis of annual billings as determined by the Civil Service Commission, for the Government's share of the cost of the civil-service retirement system applicable to the Corporation's employees and their beneficiaries. The Corporation shall also after June 30, 1949, contribute to the Employees' Compensation Fund, on the basis of annual billings as determined by the Federal Security Administrator, for the benefit payments made from such fund on account of the Corporation's employees. The annual billings shall also include a statement of the fair portion of the cost of the administration of the respective funds, which shall be paid by the Corporation into the Treasury as miscellaneous receipts.

"SEC. 8. (a) Appropriations are hereby authorized for payment to the Corporation in the form of a grant, in such amounts as may be estimated in advance in the annual budget as necessary to cover losses to be sustained in the conduct of its activities which are included in the annual budget as predominantly revenue producing. The Corporation's annual budget program shall specifically set forth any loss sustained in excess of the grant previously made for the last completed fiscal year. Appropriations are hereby authorized for payment to the Corporation to cover such additional losses incurred.

"(b) Appropriations are also authorized for payment to the Corporation in the form of a grant, to be accounted for as general funds of the Corporation, in such amounts as may be necessary to meet expenses to be incurred for specific programs which are included in the annual budget as not predominantly of a revenue-producing character: *Provided, however*, That (1) in the case of activities of a predominantly non-revenue-producing character the expenses shall not exceed the amounts of the grants for these activities, and that (2) the funds granted under this subsection shall be expended only upon certification by a duly authorized certifying officer designated by the Corporation, and the responsibilities and liabilities of such certifying officer shall be fixed in the same manner as those of certifying officers under the act of December 29, 1941 (55 Stat. 875), as amended (31 U. S. C. 82b–g).

"(c) The Board of Directors shall have the power and duty to appraise at least annually its necessary working capital requirements and its reasonably foreseeable requirements for authorized plant replacement and expansion, and it shall pay into the Treasury of the United States any funds in excess thereof. Such payments shall be applied, first, to reduce the balance attributable to advances outstanding under section 6 (a) and, second, to the Government's investment represented by the value of the net assets transferred under section 10 of this Act and any subsequent similar investments by the Government in the Corporation.

"SEC. 9. The management of the Corporation shall be vested in a Board of Directors consisting of seven members, including the Secretary of the Interior, the Secretary of Agriculture, the Chairman of the Reconstruction Finance Corporation, the Governor of the Virgin Islands, and three experienced businessmen who shall be appointed by the President of the United States.

"The Board shall select its Chairman. The appointed directors shall serve for a period of six years, except that (1) any director appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed, shall be appointed for the remainder of such term, and (2) the terms of office of the directors first taking office after the date of enactment of this Act shall expire, as designated, by the President at the time of appointment, one at the end of two years, one at the end of four years, and one at the end of six years, after the date of enactment of this Act. Qualifications of Board members shall include demonstrated ability, attachment to the public interest, impartiality, and diversified experience among its members. The Board shall be responsible for over-all policy making and general supervision. The Board shall meet at least quarterly, at least one of which meetings each year shall be held in the Virgin Islands. The Board of Directors shall act only by a majority vote of those present at a meeting attended by a quorum, and such quorum shall consist of four directors. Subject to the foregoing limitation, vacancies in the membership of the Board shall not affect its power to act. The directors shall receive no salary for their services on the Board, but under regulations and in amounts prescribed by the Board, with the approval of the President or his representative, may be paid by the Corporation reasonable per diem fees, and allowances in lieu of subsistence expenses, for attendance at meetings of the Board and for time spent on official service of the Corporation, and their necessary travel expenses to and from meetings or when upon such official service, without regard to the Travel Expense Act of 1949. The administrative functions shall be centered in a staff of full-time executive officers headed by a president appointed by the Board. The president shall be responsible to the Board for the execution of programs and policies adopted by the Board and for the day-to-day operations of the Corporation. Between meetings of the Board, the Chairman shall see that the Corporation faithfully executes the programs and policies adopted by the Board.

"SEC. 10. (a) There is hereby transferred to the Corporation the following property:

"(1) All property—real, personal, and mixed—now operated by the Virgin Islands Company on behalf of the United States, except the property now operated by that Company for the Department of the Interior which was conveyed to that Department by revocable permit from the Navy Department under agreement dated January 1, 1948. The value of the property so transferred shall be fixed at the depreciated cost as of June 30, 1947, shown in schedule 1 of the Comptroller General's report on the audit of the Virgin Islands Company for the fiscal year ended June 30, 1947, adjusted for all changes from that date to the date of transfer, including depreciation at the rates set forth in said schedule 1.

"(2) All the assets and property—real, personal and mixed, tangible and intangible—of the Virgin Islands Company. The value of the property so transferred shall be fixed at the value shown on the books of the Virgin Islands Company at the date of transfer, subject to any adjustment deemed necessary as a result of the audit required to be made by the Comptroller General under section 105 of the Government Corporation Control Act.

"(3) All of the interest of the United States in the property known as Bluebeard's Castle Hotel situated in the island of Saint Thomas in the Virgin Islands. The value of the property so transferred shall be fixed at a value approved by the Director of the Bureau of the Budget.

"(b) The Corporation shall assume and discharge all of the liabilities of the Virgin Islands Company: *Provided, however*, That such liabilities shall not be deemed to include the balance of relief grants held by the Virgin Islands Company which are invested in the assets and property embraced by paragraph (a) (2) of this section, and such

balances shall become part of the investment of the United States in the Corporation.

"SEC. 11. The Secretary of the Interior, the Under Secretary of the Interior, and the Governor of the Virgin Islands, who are the stockholders of the Virgin Islands Company, a corporation created by ordinance of the Colonial Council for Saint Thomas and Saint John, Virgin Islands of the United States, are hereby authorized and directed to take such steps as may be appropriate to dissolve the said Virgin Islands Company.

"SEC. 12. Section 5 of the act of May 26, 1936 (49 Stat. 1372, 1373; 48 U. S. C., 1946 ed., sec. 1401d), is hereby amended to read as follows:

" 'The Virgin Islands Corporation shall pay annually into the municipal treasuries of the Virgin Islands in lieu of taxes an amount equal to the amount of taxes which would be payable on the real property in the Virgin Islands owned by the Virgin Islands Corporation, if such real property were in private ownership and taxable, but the valuation placed upon such property for taxation purposes by the local taxing authorities shall be reduced to a reasonable amount by the designee of the President of the United States as provided in section 1 of the Virgin Islands Corporation Act if, after investigation, he finds that such valuation is excessive and unreasonable, and any such reduction in valuation, together with the findings on which it is based, shall not be reviewable by any court. The Virgin Islands Corporation shall also pay into the municipal treasuries of the Virgin Islands amounts equal to the amounts of any taxes of general application which a private corporation similarly situated would be required to pay into the said treasuries. Similar payments shall be made with respect to any property owned by the United States in the Virgin Islands which is used for ordinary business or commercial purposes, and the income derived from any property so used shall be available for making such payments: *Provided, however*, That the payments authorized by this section shall not include payments in lieu of income taxes, capital stock taxes, or franchise taxes.'

"SEC. 13. Section 101 of the Government Corporation Control Act is hereby amended by striking out the words 'The Virgin Islands Company' and inserting in lieu thereof the words 'Virgin Islands Corporation.'

"SEC. 14. This Act shall become effective on June 30, 1949.

"SEC. 15. This Act may be cited as the 'Virgin Islands Corporation Act.' "

And the Senate agree to the same.

That the Senate recede from its amendment to the title of the bill.

JOSEPH C. O'MAHONEY,
ROBT. S. KERR,
HUGH BUTLER,
GUY CORDON,
Managers on the Part of the Senate.

J. HARDIN PETERSON,
MONROE M. REDDEN,
RICHARD J. WELCH,
FRED L. CRAWFORD,
Managers on the Part of the House.

Mr. O'MAHONEY. Mr. President, I ask unanimous consent for the present consideration of the conference report.

There being no objection, the Senate proceeded to consider the report.

Mr. O'MAHONEY. Mr. President, earlier today the House of Representatives approved the conference report on the bill to incorporate the Virgin Islands Corporation. I have just submitted the report of the conferees, which is a unanimous report on the part of the conferees of both Houses.

The VICE PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

NATIONAL LABOR RELATIONS ACT OF 1949

The Senate resumed the consideration of the bill (S. 249) to diminish the causes of labor disputes burdening or obstructing interstate and foreign commerce, and for other purposes.

Mr. PEPPER. Mr. President, I wish to make a few brief observations. It has been stated that under the Taft-Hartley law the President of the United States is authorized to exercise discretion as to whether or not to employ the weapon of the injunction. A great point was made, evidently, in the opinion of the spokesman, that the President had made the decision in favor of injunction, and that by inference, therefore, the President favored the process of injunction.

The duty of the Chief Executive is to see to it that the laws are executed. The Congress had provided this method of dealing with management-labor disputes; and while the President was not obligated, perforce, to direct the Attorney General to seek an injunction, that was obviously what the Congress had contemplated he should do in case of work stoppages in situations which were, in the opinion of the President, national emergencies.

Mr. DONNELL. Mr. President, will the Senator yield?

Mr. PEPPER. I shall be glad to yield in a moment.

But, Mr. President, it should be remembered that the same Chief Executive who directed his Attorney General, under the Taft-Hartley law, to seek the injunction, has recommended that the law be changed, and that the power of the President to direct his Attorney General to seek the injunction be taken away. I think that is far more persuasive, when we are dealing with what the policy of the Congress and the country should be, than what the President did under a law which is on the statute books of the land.

Mr. BREWSTER. Mr. President, will the Senator yield?

Mr. PEPPER. I yield first to the Senator from Missouri.

Mr. DONNELL. Mr. President, I think the Senator agrees with me, does he not, that under the Taft-Hartley Act it is entirely optional whether the President shall or shall not direct the Attorney General to institute injunction proceedings?

Mr. PEPPER. I would not say that it is entirely optional with the President, this reason: When Congress provides a course of action which seems to be the public policy, which seems to be the way Congress contemplates this matter shall be handled, it seems to me that the President is not as free in his discretion as he would be, for example, under the Thomas bill, or as he would be did not the Thomas bill or the Taft-Hartley bill become a part of the law of the land. Then he would be entirely free.

But let me emphasize that under the Thomas bill the President would have the power to request the Board which he appoints to make recommendations. He does not have that power under the Taft-Hartley law.

Mr. DONNELL. Mr. President, will the Senator further yield?

Mr. PEPPER. Moreover, the Thomas bill makes it the duty of the workers not to cease work after the Presidential proclamation, and to resume work after the Presidential proclamation if a work stoppage has occurred. That places on the workers a duty, imposed by the law of the land, not to have a work stoppage. Mr. President, that is not the Taft-Hartley law.

Under that law the President had no statutory admonition, no statutory duty declared by Congress as to what the duty of the workers was. So it could hardly be said that the President would exercise his general constitutional powers or the general authority he might have in the absence of the Taft-Hartley law, because the Taft-Hartley law contemplated only a fact-finding board without the power to make recommendations, and it contemplated injunction in case the parties to the dispute did not settle it themselves upon the basis of the information disclosed by the fact-finding board.

I say that the discretion of the President was very severely limited not only by the provisions but by the philosophy of the Taft-Hartley law, which was enacted by the Congress.

Mr. DONNELL. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. DONNELL. I wish to ask the Senator a question. When he rose, I understood he was making the point that it has been asserted here that the President has exercised an option under the Taft-Hartley law, and I understand that the Senator was pointing out that it is an entirely free option, so far as the President is concerned.

Mr. PEPPER. Let me say that, on the contrary, I was controverting the point and argument the Senator from Missouri attempted to make, namely, that the finding of the President that he had to resort to the injunction was persuasive upon us to retain that power for the President because even the President said there was nothing else that could be done. I was saying that is not what the President has said to us. That is what the President did under the Taft-Hartley law.

But the President says to us, in substance, about what Mr. Ching said, namely, that the injunction is not the effective way to settle labor-management disputes; and he recommends to the Congress that the power he now possesses be deleted from the law.

Mr. DONNELL. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. DONNELL. However, the Taft-Hartley law does not make it mandatory upon the President to direct the Attorney General to seek injunctions.

Mr. PEPPER. Yes.

Mr. DONNELL. On the other hand, it distinctly says that the President may direct the Attorney General to do so.

Mr. PEPPER. That is correct.

Mr. DONNELL. So is it not true that under the Taft-Hartley law it is left entirely to the discretion of the President as to whether he will or will not direct the Attorney General to petition the district court for an injunction?

Mr. PEPPER. Technically and legally, yes. But the President of the United States is now telling the Congress

that he believes there are other methods by which these disputes can better be settled, rather than by letting the President have this power, which he did exercise under the Taft-Hartley law.

I say that now we are not executing a law, but we are talking about legislation; we are formulating public policy. I think what the President recommends from his experience is worth more as an example and guide to us than what he did from a sense of duty in the executive of a law enacted by the Eightieth Congress.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. TAFT. If the President felt that the seeking of an injunction would aggravate a dispute, as is claimed by those on the other side, surely he was under no compulsion, because of the Taft-Hartley law, to seek an injunction.

Mr. PEPPER. Let me say that had the President not resorted to the injunction which the Taft-Hartley law made the principal weapon for the settlement of these disputes, then if the fact-finding board's disclosures did not cause the parties to settle the dispute, the advocates of this measure would have been denouncing the President, both in the Congress and in the country generally, for not doing his duty under that law. They would have said that the Congress had provided that weapon, and they would have asked why the President did not use it. If he had been trying to employ other methods which he thought would get better results, he would have been castigated for not doing his duty and not seeking an injunction.

But I say that from his experience he says he believes it is better for any President not to have that power.

Mr. TAFT. I have not heard the President tell the Congress that. All I have heard him tell the Congress is, "I want the Taft-Hartley law repealed because I promised to have it repealed."

I have not heard the President state any reasons for wanting it repealed or make any statement that, on his part, he made a mistake in using the injunction.

Mr. PEPPER. I am not saying that he said he made a mistake in doing that. I say that through his messages to the Congress and through his Secretary of Labor he has made it clear that he thinks the Taft-Hartley law should be repealed, and, of course, that is based on his knowledge and experience with the Taft-Hartley law.

Mr. TAFT. Does not the Senator from Florida think that if the President believed that intervention by means of the injunction would make it more difficult to settle a strike and would provide a heating-up period, rather than a cooling-off period, it would have been his duty to make that statement to the public, and thus answer any argument about failure to use the injunction?

Mr. PEPPER. Again I say that the duty of the President is to see that the law of the land is executed. If Congress provides a bad method for the Executive to employ in a given situation, I think it is the duty of the President to use even the bad method, but it is also his duty to tell the Congress that he thinks it made a mistake in providing him a bad weapon, and that he hopes the Congress will give him a better one.

Mr. TAFT. Or to have no weapon at all, as provided under the Thomas bill.

Mr. PEPPER. Mr. President, none of us in this body—although no doubt some of us could be persuaded to do so in particular situations—has taken the oath as Chief Executive of this land. No one in this Chamber has a greater responsibility for the national health and safety than has the President of the United States. If he, with that awful responsibility upon him, having had these experiences which do make an exacting demand upon the Executive, out of those experiences tells the country, before his election, and tells the Congress, after the election, that he thinks the principle and philosophy and provisions of the Taft-Hartley law are contrary to the public interest, I know of no one who can speak with better authority. I know of no one who has a greater interest in that matter than does the Chief Executive.

Mr. BREWSTER and Mr. DONNELL addressed the Chair.

The VICE PRESIDENT. Does the Senator from Florida yield; and if so, to whom?

Mr. PEPPER. I yield first to the Senator from Maine, and then I shall yield to the Senator from Missouri.

Mr. BREWSTER. Mr. President, I am sure we are very much impressed with the respect the Senator from Florida accords to the opinion of the President. I am sure all of us share that respect.

However, as I recall, the President was not equally persuasive, to use the language of the Senator from Florida, when he recommended to this body the passage of a draft act for American labor under the railroad-labor legislation which was proposed here. At that time, as I recall, the Senator from Florida could not see the wisdom of accepting the Presidential advice, in spite of his high office and responsibility. Is that correct?

Mr. PEPPER. That is correct. But let me say that that is consistent with what I was just trying to say. I think the President of the United States has had a unique experience in this field. He has had to deal with the problem in peacetimes, when he got all the shock of these peacetime controversies; and he generally had to use peacetime powers to settle them. I dare say the President's own thinking about this subject has undergone many modifications. Perhaps at one time he did feel that the Congress should give him the draft power. However, he never repeated the recommendation. But his mind is very clear about the Taft-Hartley law; I do not think anyone will dispute that. I think he has made those views very clear to the country; and I think his experience is worthy of recollection and deference by the Senate.

But what I principally arose for, before we conclude this day's debate, was to settle two or three matters.

Mr. DONNELL. Mr. President, will the Senator yield to me, before we conclude this day's debate?

Mr. PEPPER. I yield.

Mr. DONNELL. I understood the Senator from Florida to say that the President had come to the conclusion that he ought not have this power that is conferred under the Taft-Hartley law.

Mr. PEPPER. In respect to the injunction power.

Mr. DONNELL. Let me ask the Senator a question. Does his recollection accord with mine that after the Attorney General of the United States had ruled in a letter to the chairman of the Committee on Labor and Public Welfare that the President possesses inherent power, the President gave to the press an interview in which he stated that he does have such power and that the Nation could expect him to take care of the national interest? Did not he so state?

Mr. PEPPER. Mr. President, the Taft-Hartley law is a statutory enactment, not a constitutional provision. Whatever power under the Federal Constitution the President has, he had when the Taft-Hartley Act was enacted, and he will have, until the Constitution is changed. We are not debating here the changing of the Constitution, nor are we trying to define as prognosticators the judicial decisions of the future as to what is the power of the Chief Executive of the United States of America in a national crisis. We are only asked here to enact legislation. Certainly the Senator from Missouri would not infer that the President wishes the Taft amendment or the amendment of my distinguished colleague or any other injunction amendment added to the Thomas bill.

Mr. DONNELL. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Florida yield to the Senator from Missouri?

Mr. PEPPER. I yield.

Mr. DONNELL. I certainly do not infer that the President is advocating the Taft-Hartley Act.

Mr. PEPPER. I think we can all agree on that.

Mr. DONNELL. We can agree on that. But the Senator, with all due deference, did not answer my question as to whether his recollection accords with mine generally, that on the day following the rendition of the opinion by the Attorney General that the President has inherent power, the President, in a press conference, indicated to the reporters present that he does have such power. Consequently, Mr. President, I ask the Senator, if the President is correct, then the elimination of the injunctive power from the Taft-Hartley Act would not deprive him of that power? Am I not correct?

Mr. PEPPER. Mr. President, there is no provision before the Senate, no amendment offered by any Senator, which would make it outside the scope of the power of the Chief Executive to seek an injunction under any constitutional power he has. There is no Senator offering such an amendment.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. TAFT. I think that is not a correct statement, because so far as I know, all those who contend that there is such a power on the part of the President to

get an injunction admit that it may be regulated and prescribed by congressional action. Therefore, I would say that the provisions of the amendment which we offered circumscribe and limit the power of the President to seek injunctions in national emergency disputes, and I think every authority who claims that there is such a power is agreed that if Congress acts, that prevails over the claimed constitutional power to seek any kind of injunction for any purpose whatever.

Mr. PEPPER. Mr. President, I rather regard what the able Senator from Ohio has said as confirming the point I was trying to make. The Senator from Ohio would expressly give the President the power to seek an injunction. I said if the President has any power under the Constitution of the United States to seek an injunction, unless Congress shall deny it to him by statute, I know of no Senator proposing to deny to him an inherent power that he may have or may think he has. Whatever he may have and whatever he does have is a fact. But we are passing here upon a proposal that specific power be conferred upon him to seek an injunction, and surely everyone knows the President is opposed to that, and as I say, nobody is seeking to curb any general power, outside this labor legislation, which he may otherwise possess.

Mr. TAFT. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Florida yield to the Senator from Ohio?

Mr. PEPPER. I yield.

Mr. TAFT. I say our amendment does curb his power, that where Congress legislates on the subject and prescribes the method and the extent to which an injunction may be used in a national emergency labor dispute, it curtails and limits the so-called constitutional power which the President might have if there were no legislation on the subject.

Mr. PEPPER. Mr. President, it is entirely possible that, just as when Congress once steps into the field of interstate commerce, even though it be by a limited action that Congress may take, once having acted at all, it preempts the field. I think it is entirely possible the Senator from Ohio is right in the legal point he makes, that if Congress legislates upon the subject positively, the President is limited, or might be limited. Certainly, so far as his statutory power is concerned, he would be limited. If he has a constitutional power beyond the statute, we could not limit it anyway, because it is inherent in the law of the land. But, certainly, so far as the President's statutory power is concerned, of course, he must exercise it the way we provide he must exercise it. But I am simply saying, in respect to what the able Senator from Missouri said, that if the President indicated that he thought he had any general power, and if he was right, I suppose he still has it, unless we deny it to him by statute. And I know of no Senator proposing that even if we do not pass the Taft amendment or the Holland amendment or some other injunction amendment, the President shall not have the power to seek the injunction in a labor dispute.

Mr. DONNELL. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Florida yield to the Senator from Missouri?

Mr. PEPPER. I yield.

Mr. DONNELL. With all due deference and respect to my good friend from Florida, I have not yet received an answer to my question, which I have asked twice, and which I ask the third time. Does the Senator's recollection accord with mine, that on the day following the rendition of an opinion by the Attorney General, the President stated to the press that he does have this inherent power and that he will take care of the country when conditions of this kind arise?

Mr. PEPPER. It is my recollection that, referring not to this statute, or the Taft-Hartley law, but to his general power as Chief Executive, he did say something to that effect. I say I do not know whether the President was right or wrong. I suppose the answer to it will be what the courts will hold sometime in the future if the Chief Executive should seek to exercise the power. But whether he has it or does not have, it is not the question we are called upon to pass upon here today. If he does have it, we in the Senate are not trying to take it away from him, so far as I now know.

We are proposing, on the contrary—that is, the Senator from Ohio and my distinguished colleague are proposing—not to rely upon the power the President seems to think that he possesses, but to give it to him in express language, by a specific provision to the effect that he can direct the Attorney General after a proclamation in a national emergency case to seek an injunction.

Mr. TAFT. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Florida yield to the Senator from Ohio?

Mr. PEPPER. I yield.

Mr. TAFT. The point I want to make is not, of course, that the Taft amendment takes away from him the power to seek an injunction. But I suggest that it limits it. If this inherent constitutional power exists at all, which I question, under it he could get an injunction for an indefinite period. We limit it to 60 days. He could get an injunction in any dispute which he claimed constituted a national emergency. We limit it to strikes which threaten to imperil the health and safety of the people of the United States. In other words, my suggestion is that, while there is nothing before the Senate proposing to wipe out that power, there is a very definite proposal to curtail it, to tailor it to the extent we think proper.

Mr. PEPPER. Mr. President, the Senator from Ohio does not propose to curtail it very much, except that he limits it to 60 days. I really rose to clarify what the Senator from Ohio and the Senator from Florida really mean to accomplish by their amendments. Mr. President, listen to the Taft amendment, on page 5:

> If the court finds that such threatened or actual strike or lock-out—
>
> (i) affects an entire industry or a substantial part thereof engaged in trade, commerce, transportation, transmission, or communication among the several States or with foreign nations, or engaged in the production of goods for commerce; and
>
> (ii) if permitted to occur or to continue, will imperil the national health or safety, it shall have jurisdiction to enjoin any such strike or lock-out, or the continuing thereof or to authorize the President to take immediate possession and through such agency or department of the United States as he may designate to operate such industry, or both, and to make such other orders as may be appropriate.

I would not say there is very much limitation in that language, except as to the 60 days. The injunction is only effective for 60 days.

Mr. DONNELL. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Florida yield to the Senator from Missouri?

Mr. PEPPER. I yield.

Mr. DONNELL. The point I was making to the Senator from Florida was this: The senior Senator from Florida was making the point that, although it had been asserted by his junior colleague that the President had chosen, under the Taft-Hartley Act, exercising an option, to secure an injunction, nevertheless the President had concluded that the President ought not to have this power. The question I was addressing myself to, and which I now address myself to, is this: If the President has concluded that he ought not to have this power given to him by the Taft-Hartley law, the utterance which he made to the press that he does have such power and that he will take care of the country in such situations, is entirely inconsistent with the conclusion that he thinks he should not have it.

Mr. PEPPER. On the contrary, it seems to me that the President's statement indicates that he does not think Congress should pass this legislation, that he has the power and the means, with the general authority of his office, and later, by the provisions of the Thomas bill which, of course, he is supporting, to handle these problems in an effective way, and he does not think it is in the public interest for Congress to pass the proposed legislation embodied in the Taft amendment and in the amendment of my distinguished colleague.

Mr. DONNELL. Then, would this conclusion be correct, from what the Senator says, that the President, therefore, does not favor limiting the power which the President thinks is broader than that which is conferred by the Taft-Hartley Act?

Mr. PEPPER. No. I do not think that is a fair inference. I was only trying to make the point for argument, and I thought it had some validity. I am sorry if my friend does not agree with me. There are only 96 Senators, with only a limited sphere of responsibility. While we are all obligated with respect to the national welfare, it is a little odd that we, being the possessors of the legislative

power, should wish to put our judgment about the power the President should have above the experience and the recommendation of the President himself with respect to the national safety. If he, the Commander in Chief of the Army and Navy, and the Chief Executive of the land, does not think this power is necessary, it seems to me that I am not obligated, by compulsory logic, to thrust it upon him, especially when his experience seems to be that, in his opinion, it is contrary to the public interest and ought not to be continued. I do not want to labor the point; I leave it for what it is worth.

Mr. DONNELL. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. DONNELL. Does the Senator understand that, generally speaking, the President claims he possesses all this power independently of what Congress may do about it?

Mr. PEPPER. My suggestion to the Senator from Missouri would be that if he wants to use the injunction, he is fortified by the opinion of the President and of the Attorney General that he has the power anyway. The Senator from Missouri would not appear to be quarreling with the President. He wants to reenforce the President's opinion and give him a statutory degree of preferment. On the contrary, the Senator from Florida, and those of us who share the same sentiment, say that what power the President has he has. "The moving finger writes, and having writ, moves on." We are passing upon a statute here. We say we are not, in our opinion, justified in giving the President statutory power to seek an injunction. We do not favor the injunction in a labor dispute. If the Senator from Missouri does not want to see the injunction employed, then he will vote against the Taft amendment and the Holland amendment and offer an amendment providing that the President of the United States, in the absence of authority from Congress, shall not seek an injunction in any case of a labor dispute.

Mr. DONNELL. Mr. President, will the Senator yield further?

Mr. PEPPER. I yield.

Mr. DONNELL. I ask the Senator if he is even remotely suggesting that my position is that I do not favor the use of the injunction in national emergencies?

Mr. PEPPER. I think the opinion of the Senator is about as clear as is the opinion of the President on the Taft-Hartley law.

Mr. DONNELL. Is not the Senator perfectly clear that I advocate the use of the injunction in the case of national emergencies threatening national health and safety?

Mr. PEPPER. I am clear about that.

Mr. DONNELL. The Senator also understands that I have not at any time conceded that the President of the United States has the broad inherent power which he claims.

Mr. PEPPER. The Senator is of the opinion that the President does not possess that power.

Mr. DONNELL. The Senator has never heard me make any concession that the President does have that power.

Mr. PEPPER. Very well.

Mr. DONNELL. I ask the Senator whether he has ever heard me make any concession at any time that the President does have such power.

Mr. PEPPER. I think the Senator has made it clear in committee that he thinks the President does not possess such power; and, being the good lawyer he is, I should not think he would be agitated by any words the President might express at one of his press conferences.

Mr. DONNELL. I am not agitated, but I ask the Senator if he does not think the suggestion made by the Senator himself that, on the one hand, the President has the power and should not have the power provided in the Taft-Hartley law, is inconsistent with a reassurance to the country the next day that he has it and will take care of the interests of the country.

Mr. PEPPER. No. If I may say so to my friend, I think the President was simply saying at a press conference what every other President, I think, has thought, namely that he has the power as President to do a great many things to save America from dissolution and destruction. I think the President was expressing an opinion, out of considerable experience in management-labor disputes, that he did not have to have the Taft-Hartley law in order to save America from destruction from within by those who are parties to a management-labor dispute. I thoroughly agree with him. I think our history, up until October, 1947, justifies the opinion the President expressed, as does also the conduct of previous Chief Executives.

But, Mr. President, I should like to clarify these amendments. I want to understand from the Senator from Ohio and from my distinguished colleague, first, during the period of the injunction, whether the profits from the enterprise would go to the Government or to the owner of the enterprise.

I should like to have the attention of the Senator from Ohio, because there are two or three points I desire to clear up with reference to the Taft amendment and the amendment offered by my distinguished colleague.

Am I correct in my assumption that under the Taft amendment, during the time of the injunction, if one were obtained, the profits of the enterprise would go to the owners of the enterprise and not to the Government?

Mr. TAFT. The amendment makes no specific provision in that respect. It leaves the entire matter subject to the general rule that the person whose property is taken is entitled to fair compensation. How he gets it, I do not know. In most cases in which the Government has seized plants it has been considered that the profits made by the Government during that period are fair compensation for the use of the plant. I should expect in most cases that that would be the result, particularly when the period is only 60 days and the Government is in and out in a very brief period. I doubt very much that the Government would try to figure out the profits. It would doubtless say that whatever profits there are came from the 2 months' operation, which, incidentally, are very difficult to separate from profits made the rest of the year. The Government would probably say what it has said in the past, that the profits, if any, constitute fair compensation, and the owner would probably say, "Yes, I think they do." So I think the Senator is correct in believing that under the actual operation of the Taft-Hartley Act the profits of the plant would go to the owner as just compensation for the property which had been taken over by the Government.

I might add that if there are losses during the 2 months, probably the owner would not get any compensation other than the losses.

Mr. PEPPER. Will my distinguished colleague explain the point with reference to his amendment.

Mr. HOLLAND. With reference to our amendment I would say that, in the first place, no seizure is included whatsoever. In the second place, there is no provision with reference to profits during the period for which the plant is operated by the Government. To make my answer complete, I will say to my distinguished colleague that it may cut one way or it may cut the other way.

In the case of an injunction which would continue a contract which was advantageous to the employer, it might operate to his advantage. In the case of a contract being continued which was advantageous to the employee, for instance, in the event the recession which is apparently on us, should become more pronounced, in the event that at the end of a contract period the employer fixed a deadline beyond which a reduction of wages or some other less satisfactory condition should be required by him as a condition for a new contract, the period of injunction would operate against the employer. So that I think it is fair to say that the act cuts both ways, and that so far as the amendment offered by myself and others is concerned, there is no reference whatever to the disposition of the profits during the interim, because profits or losses, as the case might be, would have to fall upon the employer.

Mr. PEPPER. Mr. President, the injunction would enjoin the work stoppage, but the Government would not take over the income, and would not take over the profits, and so on, as was contemplated under the Douglas amendment.

Mr. HOLLAND. The Senator is correct. There would be no seizure, and the purpose of the amendment offered by other Senators and myself, above all other purposes, was to get away from seizure, which we think would add another condition to the field of labor-industry relations and labor-industry law which would be undemocratic, which would not contribute any good result, and which in our humble judgment would, to the contrary, bring about very bad results, and we therefore oppose its inclusion.

Mr. PEPPER. The last point upon which I want to get the opinion of the authors of the two amendments is that they confer power on the court to enjoin a strike. In the amendment of the Senator from Ohio the power is vested in the court to enjoin the strike. It says that "if the court finds"—and the conditions are set out—"it shall have jurisdiction to enjoin any such strike or lock-out, or the continuing thereof." Is the amendment of my distinguished colleague and his associates similar in language to that, giving power to the court to enjoin a strike or a continuation thereof?

Mr. HOLLAND. The amendment offered by other Senators and myself varies in no respect from the so-called Taft substitute, except that it deletes from the so-called Taft substitute all reference whatever to seizure, and fails to include any provision of the substitute which has to do with seizure.

Mr. PEPPER. If the workers disobey the order of the court that they not stop work after the Presidential proclamation, or if, having stopped work, they disobey the order of the court to resume work, I desire to know whether under the power conferred by the amendments of the Senator from Ohio and my distinguished colleague the court could put the workers in jail.

Mr. TAFT. That would depend somewhat on the exact order of the injunction. The injunction issued in the coal case, as I remember, was an order to John L. Lewis as head of the union to order the workers to resume work. I forget just what the terms were. I do not think the injunction ran against any of the members of the union. I think it is conceivable an injunction might run against members of a union if they were acting concertedly. The general rule, as the Senator may well know, is that a man's right to quit work is entirely different from the right of employees to quit in concert because they are still employees under the terms of the Taft-Hartley law when they strike. They may agree to go on strike in order to enforce certain demands. That is a strike, and that is very different from the question of whether a man has a right to quit his work or not.

I would not like to answer the Senator as to whether an injunction issued would run against individual members of the union. I should think in most cases it would not. I should like to determine from further consultation whether it could run against individual members, but certainly it could be only if they were cooperating with the leaders of the union in the operation of a strike. That is a very different thing from the general question of whether a man wants to quit work or does not want to quit work.

Mr. PEPPER. There is no provision in the Taft-Hartley law as to whether they are supposed to be given immunity individually, but the amendment of the Senator from Ohio—and my distinguished colleague says his amendment contains the same language—confers upon the court jurisdiction to enjoin a strike or lock-out, or the continuation thereof.

Mr. TAFT. The purpose of the order is to make the men go back to work, there is no question about that, and remain at work during the 60 days. I think it is a very small limitation on their freedom to ask them to go on working under the contract which they themselves agreed to the year before if it is necessary to prevent a serious threat to the welfare of the people of the United States.

Mr. PEPPER. Will my distinguished colleague give us the benefit of his answer on this point?

Mr. HOLLAND. My answer would follow the lines followed by the Senator from Ohio, with this addition: As I observed the effectiveness of the injunction in the only case where there seemed to be disposition to ignore it, the courts were able to make it effective very quickly by making the punitive conditions imposed by the court run against the pocketbook of the union which was affected.

I would say that I believe that in the first instance the court would take that course. I believe that against whomever the injunction would be issued, as parties defendant, in the judgment of the court, there would of course be the contempt power, including all the attributes of contempt power ultimately.

Speaking only for myself, I think that there will be found in the length and breadth of this land no group of union men or of employers who will arrogate to themselves a position of such superiority and untouchability, beyond the reach of the courts, that they will refuse to obey the courts. To the contrary, the experience of the past 2 years indicates conclusively to me that union men, just as in the case of the other good people of this country, take the courts and all other parts of our Government as something which means a great deal to them, and they are willing as Americans to be amenable to the lawful orders of their courts. I think we will have no trouble in that field. If we should, I repeat, I think the first line of approach would be through the question of money, the union funds, and that the second would be directed against the leadership. As to whether it might be directed further than that I express no opinion, because I have not been able to make any careful study of it.

Mr. TAFT. Mr. President, will the senior Senator from Florida yield?

Mr. PEPPER. I yield to the Senator from Ohio.

Mr. TAFT. Let me read the language of the injunction in the coal case, which I think probably has gone to the Supreme Court, and is fairly customary:

> Ordered, that the defendant union and its officers, agents, servants, and employees, and all persons in active concert or participation with them, be and they are hereby enjoined pending the final determination of this cause by the Court from continuing the strike now in existence.

There is no specific mention of members, but it includes "all persons in active concert or participation" with the union officials, and the officers of the union.

The injunction furthermore orders that the union, acting through its president, shall instruct the members to return to work. Of course, if the member did not want to return he would not be violating the order.

> And it is further ordered that the defendants and each of them and their officers, agents, servants, and employees, and all persons in active concert or participation with them, be, and they are hereby, enjoined * * * from encouraging, causing, or engaging in a strike or lock-out at any bituminous coal mines covered by the agreement, or from in any manner interfering with or affecting the orderly continuance of work at the same coal mines.

Those are the general terms. I do not believe that the order runs against an individual member of the union, or that he could be put in jail for failure to go along with the general order, if the union itself was violating the injunction. And if the union was obeying the injunction, and a man quit because he did not want to work, that man certainly would be subject to the injunction.

Mr. PEPPER. Mr. President, Senators will see why I was trying to clarify this point. It is time we were talking about it here. We had something of a controversy like this in the committee. One group of persons told the American people "We are going to protect the national health and safety, and we are going to keep men from striking, from stopping work," which means, "We are going to make them work." That is the only way coal can be produced—make them work. And they would have the public believe that the Taft-Hartley law confers that power upon the court.

Now we have language here which is not limited to unions or to union leaders. The able Senator from Ohio and the authors of the provision in the Taft-Hartley law, when they authorized suits in the Federal courts against labor unions, or for labor wrongdoing, limited recovery to the assets of the union, and exempted from liability the individual members of the union. So, if the authors want to exempt the individual from those pains and penalties they obviously know how to do it.

Now, Mr. President, we are called upon here to pass upon and to approve these words:

> The court shall have jurisdiction to enjoin any such strike.

What does that mean except to tell the men not to strike—not to stop work? I agree with the Senator that probably what is meant in that connection is something like concert of action, but of course a strike is concert of action, when they all quit because of a labor dispute.

> To enjoin such strike or lock-out or the continuation thereof.

What does that mean? If they are out it gives the court the power to make them go back to work.

Mr. DONNELL. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. DONNELL. Does not the Senator recall the provisions of section 502 of the Taft-Hartley Act as follows:

SEC. 502. Nothing in this act shall be construed to require an individual employee to render labor or service without his consent, nor shall anything in this act be construed to make the quitting of his labor by an individual employee an illegal act; nor shall any court issue any process to compel the performance by an individual employee of such labor or service, without his consent; nor shall the quitting of labor by an employee or employees in good faith because of abnormally dangerous conditions for work at the place of employment of such employee or employees be deemed a strike under this act.

Does not the Senator recall that the term "strike" is defined as follows:

(2) The term "strike" includes any strike or other concerted stoppage of work by employees (including a stoppage by reason of the expiration of a collective-bargaining agreement) and any concerted slow-down or other concerted interruption of operations by employees.

Mr. PEPPER. I am not talking about the individual case. I want these facts to appear, and I think they do appear from what my distinguished colleagues have said. First, during the time of the injunction the management would still derive whatever profit there was from the enterprise. Second, that it is the intention of all of the authors of the amendment to give the court power. I think they doubt if the court would always exercise it. The Senator from Ohio calls attention to the fact that the court did not in the coal case. They would give the court the power of making men work against their will for a private employer who derives the profit of the enterprise, while they are made to work for it, and if they do not do so, the court can put them in jail. That is the kind of amendment, in legal effect, we are called upon to approve.

Mr. LONG. Mr. President, will the Senator yield for a question?

Mr. PEPPER. I yield.

Mr. LONG. Is it not true in many of the wartime seizures, when the Government seized the plants, that it endeavored to induce management to remain and manage and operate the plants under Government authority?

Mr. PEPPER. That was the customary practice.

Mr. LONG. If we were to allow the management of the plant to make what they would make in just compensation, would not that have the effect of management winning the dispute, and continuing to control it, and making the profit right along, until finally the dispute was settled, while the workers were obliged to remain at work?

Mr. PEPPER. It would deny the workers their rights, and in a crucial industry it would amount to making the Government of the United States the ally of that industry, and to make the employees work at the same wage, under a court injunction for a period of as much as 80 days.

Mr. HUMPHREY. Mr. President, I have spoken to the distinguished Senator from Illinois, the majority leader. I told him I thought there might be one or two very conclusive observations which should be made about this afternoon's deliberations, in view of the fact that there is great controversy over a technical term here known as the injunction.

Mr. President, we are not here to argue about the legality and technicality of injunctions. The real question before the Senate and before the Congress, the real question that the people of this country are concerned about, is whether or not we can perfect labor-management legislation in this session of the Congress that will promote settlement of disputes.

I should like to direct my remarks to the distinguished junior Senator from Florida. Of course, an injunction keeps workers on the job. Of course, it keeps them on the job, because if they leave the job, as the senior Senator from Florida said, they may be fined or go to jail. Maybe some people like that kind of law. I do not believe people ought to be put in jail for their debts. I do not believe that people ought to be fined or have the threat of jail because they want to quit work. If someone wants that kind of law, let them have it. I am not going to vote for any such legislation.

The real question, it seems to me, is whether or not the injunction promotes the settlement of a dispute. I think the evidence is very clear on that point—it does not promote such settlement.

The question has been raised: What does the President think about this? Well, we know what the President thinks about this legislation. The question the people of America want answered is: What does the Congress think about it? And I believe there is, once in a while, some reasonable doubt as to whether we think clearly about it. I am not going to argue what the President did under the Taft-Hartley Act. I am only going to say that back in the days before they knew anything about the treatment of rheumatism, Mr. President, one so-called remedy was a quassia cup, in which water was allowed to remain until it became saturated with the bitter flavor of the quassia bark. People were told to drink it, in order to cure rheumatism. That was a remedy which was used for rheumatism. It did not cure it, but it did cause disturbance and dyspepsia.

I submit to the Senate, as a pharmacist, that for 150 years people drank out of a quassia cup as a cure for their ills without it ever once effecting any cure, without it ever once helping the poor victim. Yet people kept on drinking this bitter fluid because they were used to it.

We now find ourselves, Mr. President, in the situation where there are groups of people who are dedicated to the proposition that the injunction is a weapon or a tool that can be used for the settlement of labor disputes, despite the experience of 200 years to the contrary, despite the fact that the injunction has never once settled anything. All it has done is give a lawyer a job and a judge some trouble. That is all it has done. Nevertheless these people now know how to use the word "injunction." They would establish one of these voodoo rules. What they purpose doing reminds me of the French doctor, Mr. Coué, who came over to the United States in the 1920's. He went around the country telling people, "If you say the same words over and over and over and over again, pretty soon you will cure yourself of your ailment." For example, all you would have to say was "I am getting slimmer and slimmer every day, in every way," and if you had been going around with a little too much avoirdupois, you were supposed to reduce to a normal weight. Or you might say, "I am becoming more gentle every day in every way," and your meanness was supposed to leave.

Mr. President, some Members of the United States Senate have sung themselves the "Injunction Blues" so long that it sounds like a lullaby. They have literally gone to sleep with it. They will not look at the record.

What is an injunction supposed to do? It is supposed to keep workers on the job. That it does, because if they do not stay on the job they suffer the penalty of the law. But going to jail does not help to mine coal, or produce steel.

What else is the injunction supposed to do? It is supposed to provide the time needed for reconciliation, conciliation, mediation, and settlement of the dispute. If Senators want to write a law to keep lawyers on the job, then let them put the injunction in. That will do it. But if they want to write a law to promote settlement of disputes, let them take the injunction out. The record is crystal clear.

I hope I never have to be treated by a doctor who, after he learned about the quassia cup, tells me to drink from the quassia cup, because my grandfather drank from it, my great-grandfather drank from it, and my great-great-grandfather drank from it despite the fact it has no curative effect. I do not want to be told by any doctor. "Drink from the quassia cup," because I know all about the quassia cup.

That is what some people are now doing in the instance of the injunction. They have at least 150 years of history of injunctions. History shows that the injunction has been inequitable, unfair, and of little or no positive use in the settlement of labor disputes. No one can point to a case in which it has ever settled anything. All we can point to is bloodshed, bitterness, tears, destruction, and oppression of people. But some people like it. They have become addicted to it.

I think it is about time for us to begin talking about the means of reconciliation, the means of settlement. What are the means of settlement? As has been stated on the floor of the Senate perhaps 100 times, the provisions of the Thomas bill have been taken from the Railway Labor Act. Mr. President, the railroad industry is a vital industry and the workers are just like other workers. They are unionized, too. The language of the Railway Labor Act has been obeyed. It has been obeyed better than injunctions have been obeyed.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. HUMPHREY. I do not yield at this particular moment. I shall be glad to yield later.

The language of the Railway Labor Act has been obeyed. It has permitted reconciliation. It has actually afforded a means of settling disputes. That same language is transferred over into the Thomas bill.

I have heard the question asked here this afternoon: Why did the President use the provisions of the Taft-Hartley Act? That is all he had to use. There was no other means of remedy. He obtained an injunction. The injunction was for the purpose of gaining time and holding workers on the job. But, Mr. President, if we want time to settle disputes, that time can be provided under the language of the Thomas bill. The time that is provided under the language of the Thomas bill is provided under favorable circumstances, under friendly circumstances, not under the whiplash of the injunction. During that period of time reconciliation of a dispute can be brought about.

I have heard all about the six or seven national emergency cases under the Taft-Hartley Act. Let us take a look at them. To be sure, the injunction was used. But the fact is that it never settled anything. To be sure, they were national emergencies. As I stated on the floor of the Senate, the country was in great trouble. After the longshoremen's strike and the 80 days of the injunction, there were 95 days more of strike, and here we are. We have not been invaded. The country did not come tumbling down. We are still here. After every one of the strikes in which the injunction has been used on the ground that a national emergency existed, what kind of national emergency was it? I submit that it was not much of a national emergency if, after the 80 days went by and we still had a strike, the country did not seem to be impoverished, no one died, and the national health and welfare were not seriously affected.

We have used the term "national emergency." Someone says, "That looks good. Let us use it," so we use it.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. HOLLAND. I wish the Senator might have yielded a moment ago, because my question would have been more timely.

The Senator was discussing the Railway Labor Act, and he stated that the Thomas bill simply followed the provisions of the Railway Labor Act.

Mr. HUMPHREY. In substance.

Mr. HOLLAND. I wonder if the Senator would care to state whether the Thomas bill carries out the open-shop provisions of the Railway Labor Act.

Mr. HUMPHREY. As a matter of fact, the Thomas bill leaves the door wide open. It provides neither for an open shop nor a closed shop. A very honest statement in the Thomas bill provides that the workers and employers shall enter into the kind of bargaining agreement they want. Nor does the Thomas bill apply the rules of seniority applied in the railroad industry. The Senator from Florida well knows that the rules of seniority on railroads are tantamount to a closed shop. Let us not becloud the issues.

Mr. HOLLAND. Mr. President, will the Senator further yield?

Mr. HUMPHREY. I yield.

Mr. HOLLAND. Will the Senator state whether the Thomas bill includes the specific provisions in approximately 17 State laws banning in effect the closed shop? Does the Thomas bill include the anticlosed shop provisions of State laws?

Mr. HUMPHREY. No. As a matter of fact, the Thomas bill is crystal clear on that point. It says that Federal laws shall apply. But the point which we are discussing, as related to the Railway Labor Act and the Thomas bill, is the national emergency provisions. That is the only issue which is now before us. Later we shall discuss the rest of the Taft-Hartley Act. Right now we are discussing title III of the Thomas bill.

Many Senators may vote for the injunction. I gather that their number will be sizable. That is surely their privilege. I am going to vote against it. The thing I wish to have clear in the RECORD is not what has been stated by the junior Senator from Minnesota, or by other Senators, but what has been stated by the men whose names I have previously mentioned—Dr. Leiserson, William H. Davis, and Dr. Feinsinger—three of the most eminent men in the field of labor relations, men whose character and professional reputation are beyond reproach.

What do those men say? They say that the injunction does not do the job. What does anyone else who has been on the job say? What do those who have negotiated disputes say? What do arbitrators and conciliators say? They say that the injunction is harmful. But the easy way out for legislators is the injunction.

Then what do we do? We use the combined powers of government on a group of men and say, "You must stay there and work." After the injunction runs out, nothing happens. The country gets along, and a little later the dispute is settled.

Let me conclude by reading again from the report of the Federal Mediation and Conciliation Service. This is from the first annual report of the Director of the Federal Mediation and Conciliation Service. This is not a service dedicated to clubbing people into action or submission. This is the report of the Federal Mediation and Conciliation Service. What does it say? Let us have no more bickering about words. I read from page 56 of the report:

> One of the conclusions which the Service is undoubtedly justified in drawing from its experience of the last year is that provision for an 80-day period of continued operations, under injunctive order of a court, tends to delay rather than facilitate settlement of a dispute.

Let me digress for a moment. Perhaps delay is what some people want. I thought we were trying to settle disputes, and not delay the settlement.

> Parties unable to resolve the issues facing them before a deadline date, when subject to an injunction order, tend to lose a sense of urgency and to relax their efforts to reach a settlement. They wait for the next deadline date (the date of discharge of the injunction) to spur them to renewed efforts. In most instances efforts of the Service to encourage the parties to bargain during the injunction period, with a view to early settlement falls on deaf ears.

It is about time for us to admit that that is in the book. It is about time to admit that the injunctive process has not done its job. If we want a law to keep lawyers and courts busy, let us have the injunction. That will keep them busy. They will have plenty of work to do, and there will be a full employment program for the legal profession. At least we shall not have to worry about a depression there. But if we wish to have a program which will promote reconciliation in labor disputes——

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. HUMPHREY. I do not yield at this moment.

If we wish to have a program that will promote reconciliation in labor disputes, let us not enact a law which will put into effect the kind of policy which aggravates the situation. It is on that basis that I appeal for the rejection of the amendment proposed by the Senator from Florida. It is on that basis that I appeal for the acceptance of the amendment proposed by the distinguished majority leader, the Senator from Illinois [Mr. LUCAS].

Mr. HOLLAND. Mr. President, will the Senator yield for a question?

Mr. HUMPHREY. I yield.

Mr. HOLLAND. Does not the Senator admit that in the case of the six injunctions used under the Taft-Hartley Act, except for the few days between the original injunction date and the date of compliance by Mr. Lewis with the contempt order in the coal case, the public interest was perfectly protected throughout the operation of the six injunction periods by the continued operation of the vital industries which were affected?

Mr. HUMPHREY. I answer the question by saying this: If the Senator means that the workers stayed on the job, of course they did. They are law-abiding citizens. But if the Senator means that because of the injunction the dispute was settled after the injunction ran out, I say "No." The injunction injured and delayed the settlement of the dispute. The record is crystal clear. Not only that, if all that is wanted is to have the workers stay on the job, why is the old, broken-down method of injunction being used? It should have been discarded with Louis XIV. Why not use the procedures under the National Railway Labor Act? Under that act workers have stayed on the job, and no one has had to be put in jail, and it has not been necessary to go to a judge or to hire an attorney; the workers stayed on the job because they were loyal American citizens. If we want workers to stay on the job, why not use the time-tested procedure which has worked effectviely since 1926?

Oh, no, Mr. President; some people simply have to have documents in their hands and simply have to see a judge. Of course, any judge can grant a divorce,

thus breaking up a family and separating the wife from the husband. But it takes a person skilled in the art of reconciliation to bring a husband and a wife together again. It does not require very great ability on the part of a judge to grant a divorce and break up a home, but it requires considerable understanding of human relations to be able to effect reconciliations and to get husbands and wives to live together again in love and affection and mutual respect.

Lawyers do not agree as to what is in the Taft-Hartley law. If we ask 10 different lawyers about the meaning of that law, we get 10 different opinions.

Labor-management harmony is not built around pin-point restrictions under the Taft-Hartley law, but labor-management harmony is built by having labor and management confer together in good faith and work out their problems. Labor-management relations are concerned with questions of human economics and human values, with questions of give-and-take and questions of human understanding. Believe me, Mr. President, we do not get very much give-and-take, when we have people splitting fine points of law, looking for the fine print to read.

I believe it is time for us to write a law which will set up the rules of the game and provide for mutual respect for each other and mutual obligations, and then let the parties decide what they want.

Mr. DONNELL. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. DONNELL. A moment ago the Senator from Minnesota referred in rather strong terms to the time of Louis XIV and to having people go to jail; and the eloquent remarks of the senior Senator from Florida [Mr. PEPPER] closed with a peroration with regard to many people going to jail.

I wish to ask the Senator from Minnesota whether on June 20 he heard the address of the able junior Senator from Oregon [Mr. MORSE], who is a strong opponent of the injunction, and whether at that time the Senator from Minnesota heard this statement by the distinguished Senator from Oregon, who not only is a distinguished lawyer, but has had a great deal of experience with labor, as well:

> I do not think there is any question involving the thirteenth amendment or any question involving involuntary servitude, because the worker has the right to quit. The injunction goes to concerted action, it goes to the question of a strike, but not to the individual's right to quit work. So long as he is free to quit, he has not been enslaved.

Does the Senator from Minnesota agree with those observations by the Senator from Oregon?

Mr. HUMPHREY. I must say that the Senator from Missouri evidently did not listen to what I was saying. I am not arguing about the thirteenth amendment. Of course this is not a matter of involuntary servitude. Who said it was? All I am saying is that if an injunction is issued and if a person does not obey the injunction, he is held in contempt of court, and can be fined and put in jail. Do not tell me that he cannot be, because many a person has been. I say that if he does not pay the fine, he will have another one slapped on him, and may get a jail sentence.

Whether that is called involuntary servitude, I do not know.

Mr. DONNELL. Mr. President, will the Senator yield again?

Mr. HUMPHREY. I yield.

Mr. DONNELL. What construction does the Senator place on this language to be found in the Taft-Hartley Act:

> Nothing in this act—

In other words, it is not limited to one section, but it applies to the entire act——

Mr. HUMPHREY. Is that section 502?

Mr. DONNELL. Yes; let me read it.

Mr. HUMPHREY. I have heard it.

Mr. DONNELL. As I had started to say, it reads as follows:

> Nothing in this act shall be construed to require an individual employee to render labor or service without his consent, nor shall anything in this act be construed to make the quitting of his labor by an individual employee an illegal act; nor shall any court issue any process to compel the performance by an individual employee of such labor or service, without his consent; nor shall the quitting of labor by an employee or employees in good faith because of abnormally dangerous conditions for work at the place of employment of such employee or employees be deemed a strike under this act.

I ask the Senator what conclusion he places on that language. Does he think that in the case of the coal-mining companies, each individual employee can be compelled to continue to mine coal, and that if he does not, he will go to jail and will be subject to some terrible processes, such as those which existed in the time of Louis XIV, to which the Senator has referred? Is that his construction of that part of the law?

Mr. HUMPHREY. I appreciate the coaching I have received from the distinguished Senator from Missouri on that point. However, I was not going to make those observations.

If the Senator from Missouri wishes to know what I really think of it, I will tell him. I think it means absolutely nothing. I think it is a little bit more of that legal jargon, that mumbo-jumbo, that has been placed in the law, but has no meaning. I say that because, first of all, if an injunction means anything, instead of simply being a mere symbol, it means that workers will be kept on the job. Otherwise an injunction would not mean a thing, and it would be foolish to obtain one.

But if an injunction means anything, it means that the workers stay on the job. Otherwise someone has been kidding the American people by telling them that the Taft-Hartley law has protected the people in a national emergency. If the workers cannot be kept on the job, the people cannot be protected in such cases.

Very well; if the injunction provisions of the Taft-Hartley law mean anything, they mean keeping the workers on the job. The distinguished Senator from Missouri, who is one of the ablest attorneys in this body, knows what happens when an injunction is disobeyed. The person who disobeys the injunction is fined and may go to jail. Regardless of whether you go to jail individually or in company, jail is a lonesome place.

Mr. DONNELL. Mr. President, I am not permitted to make a statement in the Senator's time, in answer to him. However, I say it is rather curious that the Senate of the United States, composed of lawyers and laymen from almost every type of business, by an overwhelming majority, not only of Republicans but of Democrats, approved section 502, the language I have just read, if actually it meant nothing and is, according to the statement of the Senator from Minnesota, just a mass of jargon. Does the Senator from Minnesota think it is reasonable to believe that one of the two coordinate parts of the legislative branch of the Government of the United States would take action which it thought was meaningless?

Mr. HUMPHREY. Mr. President, I should like to say to my good friend, the Senator from Missouri, that of course all of us are in favor of motherhood, the Red Cross, and charity. That is practically what section 502 of the Taft-Hartley law says, for it says that we do not believe in slavery. But it is not necessary to have section 502 written into law in order that people may have the right to quit work, for they have that right with or without section 502.

But if the Senator means what he says about injunctions, and that injunctions keep people at work, then the injunction proceeding supersedes the other proceeding.

The only thing that can be said about the injunction is that it applies to concerted action. But, Mr. President, does it? It has been used against individuals, too; in all sorts of circumstances it has been used against only one person. But if that person disobeys the injunction, he is just as much guilty of disobeying it as if he were acting with 1,000 workers.

Mr. President, all I am saying is that I am not going to argue legal theory or in other words, how many angels can dance on the point of a needle. That argument was used back in the Middle Ages. All I ask is, Does the injunction settle anything? When some Member of the Senate can point out what an injunction has settled, except for settling some lawyer's bills because of the fee he received for getting out the injunction, then I think he will begin to have a case.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. HOLLAND. I shall be glad to point out to the Senator from Minnesota that the injunctions issued under the Taft-Hartley Act have settled controversies to the satisfaction of millions of people who had very grave doubt as to whether those disputes would be settled. Furthermore, have permitted vital industries to continue in operation until tempers could cool and patience and sound judgment could be exercised, and during that period the people have had the protection of having vital industries continue in operation. I say to the Senator it is time that he and all other Senators here were thinking something about the public interest and the general

welfare of the people of the United States. Merely because there were people in ancient times who thought about the public good is no reason why it is not sound philosophy still to think about the public good.

Let me say further to the Senator that a good many men serving as governors of their States during the recent war had occasion to wonder that the leader of a great group in the coal industry could so far forget his obligation to the hundreds of thousands of American boys fighting overseas as to stop the mining of coal by calling his men out of the mines. In my own case I know I received hundreds of letters from the families of Florida boys who were at the front in all parts of the world, wondering how it could be that any American could possibly visit that sort of punishment upon them.

The PRESIDING OFFICER (Mr. WITHERS in the chair). The Senator from Minnesota has the floor. Is the Senator from Florida making a speech?

Mr. HOLLAND. Mr. President, I understood the Senator to ask a question, and I was attempting to answer it. If I am mistaken——

Mr. HUMPHREY. I was under the impression, Mr. President, that I had the floor.

Mr. HOLLAND. Mr. President, will the Senator yield for a question?

Mr. HUMPHREY. I yielded for a question.

Mr. HOLLAND. I shall be happy to ask one.

The PRESIDING OFFICER. The Chair thought the Senator from Florida rose to ask a question, and that the Senator from Minnesota yielded to him for that purpose.

Mr. HOLLAND. No.

The PRESIDING OFFICER. Is the Chair correct in his statement?

Mr. HUMPHREY. I do not want to split the question on legal technicalities. If there is a question to be asked, I shall listen to the question.

The PRESIDING OFFICER. The Senator from Minnesota yields to the Senator from Florida for a question.

Mr. HOLLAND. Mr. President, the statement by the Chair is not correct. As the Senator from Florida understood, a question was addressed to him and to the Senate generally by the speaker. I was attempting to answer it. But now, to phrase the question to the distinguished Senator, is it not a fact that in the case of the six Taft-Hartley injunctions the public interest was protected by the continued operation of vital industries involved in those particular disputes, throughout the respective injunction periods of the six injunctions, except as to the 5 days in the coal injunction case, from the time of the issuance of the injunction to the time the contemptuous head of the mine workers' organization decided he should obey the mandate of a court of the United States?

Mr. HUMPHREY. I would answer the question by saying, if I were to take the assumptions of the distinguished Senator from Florida, of course, I should say yes. If he means that the public interest was protected because the men were still on the job, that is, forced to be on the job, yes, I suppose in some sense the public interest was protected. The operation of the mines was maintained. But, to reconcile the disputants, and to reconcile the protagonists in the case, then indeed the public interest was not protected, and what is more, it is not as if there were only one choice before the Senate, Mr. President. We are being told here that the only way that we can keep people on the job is to get a court injunction. Nonsense. What kind of talk is that? That is just as much as being told in the old days that the only way to cure rheumatism is by bringing out the old quassia cup. The quassia cup never cured anything. Today there are some alternatives to it. We have other products to cure rheumatism, and most modern doctors use them. But somebody has got an old quassia cup around here, known as an injunction. There are those who are still going to sell the world on it, if they can. Mr. President, I am saying there is another alternative. I say this other alternative is one that has worked. We are not in the realm of theory, but we are digging down into the mistakes of the past when we start using the injunction again. What are we using, what are we advocating to keep men on the job? What are we proposing? We are advocating the accepted, tested, proven procedures of the Railway Labor Act. They have not failed in 23 years to keep men on the job without an injunction, without the sheriff, without the judge, without the local constable, without the attorneys. Workers stay on the job because they are American citizens, and because the policy of the country says that they shall remain on the job.

But I find out that after we have had the great experience of law school, after we have read all the books on torts and claims and contracts and jurisprudence, we have got to use it. It always bothered me after I graduated in pharmacy not to be able to use all I learned in materia medica. One gets a vested interest in his professional tools and vocabulary. Therefore some are addicted to the injunction whether it works or not.

Mr. LONG. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Louisiana?

Mr. HUMPHREY. I yield.

Mr. LONG. A few minutes ago, in the colloquy between the Senator from Minnesota and the Senator from Missouri it was said that nothing in the act could be construed to compel an individual employee to render service without his consent.

Mr. DONNELL. "Employees."

Mr. LONG. Employees could not be compelled to render service without their consent.

Mr. DONNELL. Yes.

Mr. LONG. I call the Senator's attention to the fact that that particular section is entitled "Saving Provision." It is nothing more or less than that. The authors of the act knew very good and well that they might be flying in the face of the thirteenth amendment, and they theyefore wanted to keep their act from being declared unconstitutional.

The PRESIDING OFFICER. The Chair inquires of the Senator whether he is asking a question?

Mr. LONG. I ask the Senator whether, in his opinion, the reason why that beautiful language was put in the act might not have been the effort to make sure the act was not to be thrown out as unconstitutional, as requiring involuntary servitude?

Mr. HUMPHREY. I may say to my distinguished friend, the Senator from Louisiana, that I am humble in the recognition of the need for legal counsel, and I must retract many of the unkind words, if they have been unkind, which have been said about the distinguished members of the legal profession. Here is a trained attorney that has found just exactly what one should have observed a long time ago. Senator LONG points out that injunction provisions bordered upon a violation of or were a violation of the thirteenth amendment, and so as the distinguished Senator from Louisiana has so well pointed out, that after the Taft-Hartley Act prescribes the injunction provisions, then lest these provisions run contrary to the thirteenth amendment we come along a little bit later and say, "Well, now, of course we are going to have a 'saving provision' here and that makes it legal."

I have no more to say, Mr. President. I merely want to conclude my remarks by appealing to those who are interested in reconciliation, who are interested in the peaceful settlement of disputes, to look at the record; to look at the record from 1935 to 1946, and to see how many national emergencies there were; to look at the record of injunctions, and see what they have created in this country, in terms of fair labor-management relationship; to look at the record of 23 years under the Railway Labor Act, a record of peaceful voluntary settlement of our disputes. I ask them, after the arguments have been analyzed with objective and impartial approach, to see which one of these approaches is going to be the best for the American people.

Mr. LUCAS. Mr. President, there have been some negotiations with Members on both sides of the aisle with a view to attempting to get a unanimous-consent agreement to vote on the amendment offered by the distinguished Senator from Florida [Mr. HOLLAND], as well as the amendment offered by the Senator from Illinois. I should like to make a unanimous-consent request for the RECORD, to ascertain how the distinguished Senator from Ohio feels about it. I ask unanimous consent that the Senate vote on the amendment offered by the distinguished Senator from Florida [Mr. HOLLAND] on Monday next at 1 o'clock, and that, following that, a vote be taken on the amendment offered by the Senator from Illinois, at 2 o'clock, concluding that amendment.

I make that unanimous consent request at this time.

Mr. President, I may say to Members of the Senate I have conferred with the Senator from Oregon [Mr. MORSE], who has some very real and conscienticus convictions about unanimous consent agreements, and he has agreed to that.

Mr. PEPPER. Mr. President, reserving the right to object, would there be any reason why we could not vote sometime tomorrow, or tomorrow night, upon this amendment, and then vote on Tuesday on the next amendment, if necessary, if we want it to go over for a little further time? We have had some debate, and I certainly would want ample opportunity for my distinguished colleague to present his amendment, but many of the rest of us have spoken, and we have all day tomorrow to debate it. If we remain in session a little later tomorrow evening, I wonder if it would not be possible to reach a vote sometime before the end of the day.

Mr. LUCAS. Let me say to my friend from Florida that I am ready to vote now, but, as usual, we find that in attempting to accommodate Senators on both sides of the aisle in matters of this kind, there are always a few Senators absent. I was hoping that the unanimous consent agreement to vote on Monday would give sufficient time for all Senators to make their plans, in order that they could be present on Monday. If we cannot get that kind of an agreement, we shall have to go through tomorrow. If we go through tomorrow it is my belief that we will spend most of the day in talking and will get nowhere and will finally run into Saturday and possibly Monday with nothing but talk for two or three days. I was hoping to get a unanimous-consent agreement so that we would know exactly when we could vote, and all Senators could make their plans accordingly.

Mr. PEPPER. Reserving the right to object, there are some of us who have engagements at other times. I had planned to be in my State on Monday night and to return to the Senate on Tuesday morning.

Mr. LUCAS. I do not think there is any engagement—and I say this with all due deference to my colleagues on both sides of the aisle—which is as important as is this vote. I do not believe we could get a unanimous-consent agreement more easily if I suggested next Tuesday or Wednesday. Some Senator would have an appointment on Tuesday in his home State which he feels he must keep.

I appreciate the position of the Senator from Florida. Obviously, I should like to accommodate him. It may be that we can come to a vote tomorrow, but I have my doubts about it. Possibly we can get through on Saturday, but I also have my doubts about that. When Members are absent some Senator is going to try to get a little advantage. It does not take very much to interest a few of us in doing a little talking.

Mr. PEPPER. I do not know whether it is absentees whom those Senators might try to assist. But, after all, we are here, and the question is pending before the Senate. We have all day tomorrow and tomorrow evening.

Mr. LUCAS. I am willing to go along tomorrow. Possibly we can get a vote. I was trying to accommodate a number of Senators by fixing a definite, specific time on Monday.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. LUCAS. Yes.

Mr. TAFT. Reserving the right to object, I do not think I could possibly agree to a unanimous-consent agreement to vote on Monday. I would be willing to try to work something out on Saturday or on Tuesday. The situation on Monday is such that I do not believe I could agree to vote on that day.

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. PEPPER. Would it be possible for us to vote on the Holland amendment sometime before we adjourn tomorrow night, and to vote on Tuesday on the Taft amendment?

Mr. TAFT. It seems to me that we might as well let nature take its course, and vote tomorrow, if we reach that point. But if we are to have a unanimous-consent agreement, it might as well be applicable on one day, and we can make it a field day.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. HOLLAND. Only one Senator who joined with me in my amendment is on the floor at this time. I hope he will be prepared to speak tomorrow. I do not know the wishes of the other two Senators. They were here, but they left a little while ago. I would suggest that no effort be made to reach a unanimous-consent agreement in their absence, because no one of the four of us has had anything to say in the debate until this afternoon, and only one of us spoke this afternoon. I certainly think we are entitled to be heard.

Mr. LUCAS. I thought if we could get a unanimous-consent agreement to vote on Monday it would give all day tomorrow and possibly Saturday for the Senator from Florida and other Senators to debate his amendment. I thought that would be sufficient time to arrive at some decision. But if there is any objection to it, the only thing we can do is to take a recess, and perhaps between now and tomorrow something can be worked out. We might get a vote tomorrow afternoon on the amendment now pending before the Senate. I certainly hope we may do so, in view of the fact that we cannot get a unanimous-consent agreement.

Mr. MAYBANK. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. MAYBANK. Did I correctly understand the Senator to say that no agreement has been reached?

Mr. LUCAS. Apparently we cannot reach an agreement.

Mr. MAYBANK. At what time does the Senator expect the Senate to meet tomorrow?

Mr. LUCAS. At 12 o'clock.

Mr. MAYBANK. Very well.

EXECUTIVE SESSION

Mr. LUCAS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. WITHERS in the chair) laid before the Senate messages from the President of the United States submitting sundry nominations and withdrawing the nomination of Leland C. Gove, to be postmaster at Mosier, Oreg., which nominating messages were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

The PRESIDING OFFICER. If there be no reports of committees, the clerk will proceed to state the nominations on the Executive Calendar.

DEPARTMENT OF STATE

The Chief Clerk read the nomination of W. Walton Butterworth, of Louisiana, to be Assistant Secretary of State.

Mr. TAFT. Mr. President, at the request of the minority floor leader [Mr. WHERRY], I ask that this nomination go over until the Senator's return.

The PRESIDING OFFICER. Without objection, it is so ordered.

Without objection, the remaining nominations in the Department of State will be confirmed en bloc.

DIPLOMATIC AND FOREIGN SERVICE

The Chief Clerk read the nomination of Joseph Flack, of Pennsylvania, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Costa Rica.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. TAFT. Mr. President, at the request of the Senator from Maine [Mr. BREWSTER], I ask that the nomination of Ellis O. Briggs, of Maine, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Czechoslovakia and the nomination of Nathaniel P. Davis, of New Jersey, to be Envoy Extraordinary and Minister Plenipotentiary of the United States of America to Hungary, be passed over until the return of the Senator from Maine. That is no reflection on the gentleman at all, but there is a question which the Senator from Maine wishes to discuss as to the advisability of appointing ministers and ambassadors to Czechoslovakia and Hungary.

The PRESIDING OFFICER. Without objection, the nominations will be passed over. The remaining nominations on the calendar in the diplomatic and foreign service, without objection, will be confirmed en bloc.

INTERSTATE COMMERCE COMMISSION

The Chief Clerk read the nomination of Edward H. Davidson, of New Jersey, to be Director of Locomotive Inspection.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

UNITED STATES COAST GUARD

The Chief Clerk proceeded to read sundry nominations in the Coast Guard.

Mr. LUCAS. Mr. President, I ask that the Coast Guard nominations be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are confirmed en bloc; and, without objection, the President will be notified immediately of all nominations this day confirmed.

RECESS

Mr. LUCAS. Mr. President, as in legislative session, I move that the Senate take a recess until tomorrow at 12 o'clock noon.

The motion was agreed to; and (at 6 o'clock and 58 minutes p. m.) the Senate took a recess until tomorrow, Friday, June 24, 1949, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate June 23 (legislative day of June 2), 1949:

PUBLIC UTILITIES COMMISSION OF THE DISTRICT OF COLUMBIA

James H. Flanagan, of the District of Columbia, to be a member of the Public Utilities Commission of the District of Columbia for a term of 3 years from July 1, 1949. (Reappointment.)

UNITED STATES MARSHAL

John E. Sloan, of Pennsylvania, to be United States marshal for the western district of Pennsylvania. He is now serving in this office under an appointment which expires July 2, 1949.

IN THE ARMY

The following-named officers for appointment, by transfer, in the Judge Advocate General's Corps, Regular Army of the United States:

Maj. Meredith Ernest Allen, O21408, United States Army.
Maj. Clifford Frederick Cordes, Jr., O20186, United States Army.
Capt. George Shipley Prugh, Jr., O54092, United States Army.

The following-named officers for promotion in the Regular Army of the United States, under the provisions of sections 502 and 509 of the Officer Personnel Act of 1947. Those officers whose names are preceded by the symbol (×) are subject to examination required by law. All others have been examined and found qualified for promotion.

To be captains, Medical Service Corps

Harrold Earp Graham, O37531.
Stanley Francis Klodniski, O56946.
Max Eugene Knickerbocker, O41151.
×Charles William Lindsay, Jr., O37527.
Robert Francis Maguire, O37528.
George Marion Peters, O37533
Fernando Gordon Torgerson, O37523.

The following-named officers for promotion in the Regular Army of the United States, under the provisions of sections 502 and 508 of the Officer Personnel Act of 1947.

To be first lieutenants

Donald Ferree Bletz, O56739.
John Robin Davis Cleland, O41361.
Stanley Anthony Durka, O56755.
Robert Walton Fleming, Jr., O56737.
Aaron Daniel Maier, O50559.
George Earl Turnmeyer, Jr., O56735.

To be first lieutenants, Women's Army Corps

Norma Jean Fischer, L194.
Lillian Vida Jones, L191.
Frances Ann Pesmeski, L193.
Lucille Doris Schneider, L196.
Clara May Zunker, L197.

The following-named officers for promotion in the Regular Army of the United States, under the provisions of section 107 of the Army-Navy Nurses Act of 1947:

To be first lieutenants, Women's Medical Specialist Corps

Mary Ann Neacy, R10059.
Vivian L. Strickler, J3.

IN THE NAVY

The following-named officers of the Navy for temporary appointment to the grade of lieutenant, subject to qualification therefor as provided by law:

The following-named officers for temporary appointment in the line of the Navy:

Stanley F. Abele	Duane M. Krueger
James D. Ackerman	Wesley E. Lizotte
Robert E. Arthur	Edmund J. Maddock
Thorval L. Berg, Jr.	Robert W. Mead
Sherman C. Black	Charles V. McGlothing
William F. Bley	Allen C. H. Merz
Clarence A. Borley	Eldon L. Michel
Trond G. Brekke	Robert H. Morris
William I. Bristol	Laverne F. Nabours
Samuel J. Brocato	Victor J. Neil
George E. Buker	Robert A. Niles
Charles W. Callahan	Franklin C. Northrup
Robert D. Chilton	Paul O'Mara, Jr.
Walter C. Clapp	Robert E. Orcutt
Marvin L. Claude	Charles L. Otti
Robert G. Coleman, Jr.	Joseph V. Pavela
Parker C. Cooper	Joseph Rolleri
Merdin C. Criddle	Joe M. Sassman
Raymond J. Dooley	John E. Schlembach
Wayne L. Dowlen	Milner N. Shannon
Thomas H. Drinkwater	Frank S. Siddall
Willis P. Duhon	Carl E. Smith
Edward M. Eakin	Edward J. Steffen
William E. Edwards	Marlar E. Stewart
Homer S. Elliott	Donald A. Swanson
John A. Fahey	Harry W. Swinburne, Jr.
Harry W. Files, Jr.	John B. Thomas, Jr.
Forrest B. Forbes	Frederick C. Turner.
David L. Forrester, Jr.	Wallace V. Van Pelt
Gurney E. Frye	Harold K. Von Egger
Albert R. Groves	John R. Wagner, Jr.
Harris E. Gustafson	Harvey M. Waldron, Jr.
George F. Guyer	Saxton A. Weir, Jr.
William C. Hartung	William J. Westmoreland
Charles W. Henderson	Charles E. Wilcox
Darrel H. Jay	Harold A. Willyard
Robert Juarez	Robert C. Woolverton
Lawrence W. Kelley	
Joseph F. Kelly, Jr.	
Robert R. Kidwell, Jr.	
Frank G. Kingston	

The following-named officers for temporary appointment in the Supply Corps of the Navy:

John J. Connor, Jr.	William S. Langley
Donald F. Baumgartner	John H. Robison
Herbert J. Hackmeyer	Lyle A. Stearns

The following-named officers for temporary appointment in the Civil Engineer Corps of the Navy:

Henry S. Grauten
Roland D. Hill

The following-named officers for temporary appointment in the Medical Service Corps of the Navy:

Harold G. Donovan
Lester K. Thompson

The following-named officers for temporary appointment in the Nurse Corps of the Navy:

Isabelle C. Kiehl	Evelyn M. McDermott
Ruth M. Lawler	Ann E. McPhillips
Edith F. MacMillan	Emerald M. M. Neece
Margaret McCall	

The following-named officers of the Naval Reserve for temporary appointment to the grade of lieutenant, subject to qualification therefor as provided by law:

The following-named officers for temporary appointment in the line of the Naval Reserve:

Harry Ault, Jr.	John E. McNelis
Arthur L. Flanagin	John H. Whitehouse
Robert E. Leckrone	

The following-named officers for permanent appointment to the grade of lieutenant commander in the line of the Navy, in lieu of temporary appointment as previously nominated and confirmed:

Kathryn Dougherty
Winifred R. Quick

The following-named officers for temporary appointment to the grade of lieutenant commander in the line of the Navy, and to correct spelling of names as previously nominated and confirmed:

Otis L. Scheibeler
Charles W. Hollinshead, Jr.
Claudie R. Vaught

The following-named officers of the Navy for permanent appointment to the grade and corps hereinafter stated, and to correct spelling of names as previously nominated and confirmed:

Lieutenant (junior grade), line

Michael N. Besel, Jr.	Robert F. J. Schneider
Dwight E. DeCamp	Charles G. Schoenherr
George Maragos	
George R. Pool, Jr.	

Lieutenant (junior grade), Supply Corps

Frederick L. G. Kuehm

CONFIRMATIONS

Executive nominations confirmed by the Senate June 23 (legislative day of June 2), 1949:

DEPARTMENT OF STATE

TO BE ASSISTANT SECRETARIES OF STATE

John D. Hickerson	Edward G. Miller, Jr.
George C. McGhee	George W. Perkins

TO BE COUNSELOR OF THE DEPARTMENT OF STATE

George F. Kennan

TO BE LEGAL ADVISER OF THE DEPARTMENT OF STATE

Adrian S. Fisher

DIPLOMATIC AND FOREIGN SERVICE

AMBASSADORS EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE INDICATED COUNTRIES

Joseph Flack to Costa Rica.
George P. Shaw to El Salvador.
Christian M. Ravndal to Uruguay.

TO BE CONSULS GENERAL OF THE UNITED STATES OF AMERICA

John Wesley Jones	James E. Henderson
Sidney A. Belovsky	Andrew G. Lynch

TO BE CONSULS OF THE UNITED STATES OF AMERICA

Joseph Palmer 2d
Eugene H. Johnson

TO BE SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA

Eric C. Bellquist
Thomas T. Driver

TO BE VICE CONSUL OF THE UNITED STATES OF AMERICA

Monteagle Stearns

INTERSTATE COMMERCE COMMISSION

TO BE DIRECTOR OF LOCOMOTIVE INSPECTION

Edward H. Davidson

U. S. COAST GUARD

APPOINTMENTS IN THE UNITED STATES COAST GUARD

To be captains, to rank from March 20, 1945

Joseph A. Kerrins	Nathaniel S. Fulford, Jr.
Edward H. Thiele	Julius F. Jacot
Reginald H. French	Chester A. A. Anderson
John W. Ryssy	Edward E. Hahn, Jr.
Richard L. Burke	

To be commanders to rank from January 1, 1944

Robert E. McCaffery	Vaino O. Johnson
Albert E. Harned	Richard F. Rea
David H. Bartlett	Warren L. David

Louis M. Thayer, Jr. — Walter S. Bakutis
Evor S. Kerr Jr. — Edgar V. Carlson

To be commanders, to rank from March 1, 1944

Clayton M. Opp — Adrian F. Werner
Loren E. Brunner — Woodrow W. Vennel
Charles E. Columbus — Gilbert F. Schumacher
William L. Sutter — Charles Tighe
Gilbert R. Evans — Richard Baxter
Wallace L. Hancock, Jr.

To be lieutenant commanders, to rank from December 1, 1943

Carlton V. Legg — William K. Kehoe
George E. Alston — Cecil C. Humphreys
Virgil L. McLean — Robert L. Blanchett
George M. Gallagher — Carl E. Roberts
Henry M. Anthony — Harry F. Bradley
Cloyd C. Lantz — James E. Rivard
Henry E. Solomon — William E. Lowe
Herbert L. Scales — George D. Batey

To be lieutenant commanders, to rank from April 1, 1944

Robert E. Reed-Hill (P) — Paul E. Burhorst
Edwin C. Crosby
Joseph J. McClelland — Ira H. McMullan
Raymond G. Miller — William C. Foster
John P. Latimer — Holmes F. Crouch
James A. Martin — Kenneth H. Potts
Robert E. Hammond — James W. Paine
Clyde R. Burton — James A. Cornish
Ottis T. Estes, Jr. — William K. Earle
James F. Bills

To be lieutenant commander, to rank from August 1, 1944

Edward H. Houghtaling

To be lieutenant commanders to rank from July 20, 1945

William D. Strauch, Jr. — James M. McLaughlin
Robert F. Barber — Whitney M. Prall, Jr.
Herschel E. Sanders — Henry F. Rohrkemper
Russell A. Serenberg — Charles F. Scharfenstein, Jr.
Benjamin M. Chiswell, Jr. — Robert S. McLendon
Helmer S. Pearson — John C. Saussy
Chester A. Richmond, Jr. — Joe L. Horne

To be lieutenants, to rank from October 5, 1945

Lynn L. Baker — John Dalin
Thomas F. McKenna — Ludlow S. Baker
Glenn J. Shannon — Frank D. Hilditch
Ernest A. Bigelow — Arthur M. Watson
Sidney K. Broussard — Arthur H. Sheppard
Louis J. Glatz — Frank W. Dunford

To be lieutenants, to rank from October 7, 1945

Donald A. Brown — Charles E. MacDowell
Charles H. Freymueller — Elmer P. Mathison
Warren C. Mitchell
Raymond W. Siegel — Henry A. Campbell, Jr.
Harry A. Solberg — Armand J. Bush
Robert O. Bracken — Lester A. Levine
John W. Hume — John J. O'Meara
John S. MacCormack — Glenn O. Thompson
Herbert Krause — Arthur F. Heffelfinger
Theodore J. Kozanecki — Eugene F. Walsh
Errol H. Seegers — Andrew J. Cupples
Forrest H. Willoughby — John A. Weber
Robert D. Burkheimer — Lloyd E. Franke
Jack E. Forrester — Samuel E. Taylor
Lewis R. Davison — Richard C. Wilkie
John H. Hawley — George A. Philbrick
Carol L. Mason — George J. Bodie
George H. Waddell — Henry W. Stinson, Jr.
Robert M. Becker — Earl E. Broussard
Franklin A. Colburn — Cletis L. Caribo
Robert S. Wilson — John F. Fitzgerald

To be lieutenants, to rank from the effective date of appointment

Peter E. Gibney — Joseph R. Steele
Lewis R. LaValley — LeWayne N. Felts
Leonard M. Dalton — Edward M. F. Kirchner
James P. Van Etten
Mitchell A. Perry — Robert J. LoForte
Garth H. Read — Owen W. Siler
William E. Dennis

To be lieutenants (junior grade), to rank from January 1, 1947

David R. Rondestvedt
Oliver W. Harrison

To be lieutenants (junior grade), to rank from September 15, 1948

Robert D. Parkhurst — Rudolph E. Lenczyk
Otto F. Unsinn — William L. Faulkenberry
James E. Heywood — Donald C. Davis
Henry V. Harman — John H. Bruce
Walter O. Henry — James H. MacDonald
Verne D. Finks — Donald R. Vaughn
William L. Aitkenhead — Frederick S. Kelsey
Charles F. Baker — Robert S. Gershkoff
James P. Stewart — William C. Pinder, Jr.
James H. Swint — Thomas W. Powers
Shirl J. Stephany — James A. Gary III
George F. Rodgers — Douglas C. Ryan
Leslie D. High — Archibald B. How
George H. P. Bursley — John L. Wright
Frank E. Parker — John B. Saunders, Jr.
Milton R. Neuman — Herbert H. Sharpe, Jr.
Arthur W. Rouzie — Michael B. Lemly
Leland C. Batdorf — Glenn M. Loboudger
David Jenkins — Robert A. Patrick
William F. Tighe, Jr. — John E. Murray
Bruce C. Johnson — William R. Chandler
Richard B. Humbert — Vincent A. Bogucki
Roy K. Angell — Charles I. Foss III
Robert C. Krulish — James P. Hynes
William J. Kirkley — Robert A. Lee
Edward E. Chambers — Jay H. Bramson
Robert W. Johnson — John W. Steffey
Charles S. Marple — Lloyd W. Goddu, Jr.
Roger G. Devan — Donald J. McCann
Wilfred F. Raes — Edward D. Cassidy
Albert H. Clough — John B. Hayes
Walter B. Murfin — Robert L. Davis, Jr.
Randolph Ross, Jr. — Richard B. Bowden, Jr.
Lawrence Davis, Jr. — Glenn R. Taylor
Robert W. Smith — Ian E. Holland
Alfred F. McKenney, Jr. — Walter F. Guy
David E. Perkins — Dudley C. Goodwin, Jr.
Robertson P. Dinsmore — Warren S. Petterson
John H. K. Miner — Harold E. DeLong
James W. Bolding, Jr. — William C. Wallace
Alfred J. Tatman — Henry G. Cassel
George T. Sain, Jr. — Harley B. Shank
Malcolm E. Clark — Raymond M. Miller
Richard M. Underwood, Jr. — Hardy M. Willis
Charles M. Mayes — Fred E. Wilson
Dan Rayacich — Clarence G. Porter
William M. Page, Jr. — Leroy Flatt
Thomas C. Thompson — Charles R. Howell
Arthur N. Garden, Jr. — Robert E. Bracken
David P. Bates, Jr.

To be lieutenants (junior grade)

James E. Fleming
Edward J. Johnson
Carleton W. Wahl

IN THE ARMY

Maj. Gen. Harold Roe Bull, O3707, United States Army, for appointment as commandant, National War College, with the rank of lieutenant general, under the provisions of section 504 of the Officer Personnel Act of 1947.

IN THE NAVY

All nominations for appointment in the Navy, which were this day confirmed, were received by the Senate on June 15, 1949, and appear in full in the Senate proceedings of the CONGRESSIONAL RECORD for that day, under the caption "Nominations," and on the pages indicated with each of the three following groups of nominations for appointment in the Navy:

The nominations of Donald L. Abbott and 3,369 others, which begin with the name of Donald L. Abbott, appearing on page 7722, and ending with the name of Ruth M. Scanlon, which appears on page 7728;

The nominations of James H. Ackiss and 1,554 others, which begin with the name of James H. Ackiss, appearing on page 7728, and ending with the name of Henry W. McGuire, which appears on page 7731; and

The nominations of Leif O. Torkelson and 105 others, which begin with the name of Leif O. Torkelson, appearing on page 7731, and ending with the name of William Williamson, which appears on page 7732.

WITHDRAWAL

Executive nomination withdrawn from the Senate June 23 (legislative day of June 2), 1949:

POSTMASTER

Leland C. Gove, Mosier, Oreg.

HOUSE OF REPRESENTATIVES

THURSDAY, JUNE 23, 1949

The House met at 11 o'clock a. m.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Blessed Lord and Master, Thou who hast glorified all that is of earth and sea and sky, to Thee we offer our tribute of praise. On Thee we base our comfort and our hope, and rejoice that our faith is not in vain.

In the discipline of life, which is so often severe, give us strength to be patient and tolerant, comforted in the truth that we are guarded and sheltered in the folds of divine care. Thou who weighest the motives of men, make every weakness a strength and every hindrance an inspiration. Clothe us with that high integrity of purpose that shall be a spiritual reserve sufficient to bear all strain, and that shall give patriotic incentive to our fellow citizens everywhere. In Thy holy name we pray. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Hawks, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills of the House of the following titles:

On June 20, 1949:

H. R. 2361. An act to provide for the reorganization of Government agencies, and for other purposes; and

H. R. 2663. An act to provide for the administration of the Central Intelligence Agency, established pursuant to section 102, National Security Act of 1947, and for other purposes.

On June 21, 1949:

H. R. 1337. An act to authorize the sale of certain public lands in Alaska to the Alaska Council of Boy Scouts of America for recreation and other public purposes; and

H. R. 3754. An act providing for the temporary deferment in certain unavoidable contingencies of annual assessment work on mining claims held by location in the United States, and enlarging the liability for damages caused to stock raising and other homesteads by mining activities.